

# INDIAN PRINCES UNDER BRITISH PROTECTION



# INDIAN PRINCES UNDER BRITISH PROTECTION

A STUDY OF THEIR PERSONAL RULE, THEIR  
CONSTITUTIONAL POSITION AND THEIR FUTURE

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TO  
the millions of people  
of the Indian States suffering under the  
autocratic rule of their Princes,  
I dedicate this book as a  
humble effort at their  
emancipation.

THE AUTHOR



## PREFACE

THIS book by Mr. Chudgar needed writing. The case of the Indian of the Indian States has not been known ; it has vanished in the cloud of normal nationalist activity. When the British rulers think at all of the Indian States the problems they see are the relations of the Rajahs with the Suzerain, while one-sixth of the Indian people suffer a continued exclusion from civilized human rights.

All this part of India is like the Germany of the eighteenth century—a quantity of little princelings with absolute power and a patient peasantry. Jew Suss and his master are multiplied all over India. Napoleon has not shaken them yet, and the mighty arm of Great Britain protects them, preserves them, and perpetuates conditions of servitude which are a disgrace to our democracy.

The Ruling Chiefs want no change ; the British Bureaucracy want no change ; the Indian nationalist turns away his eyes ; statesmen in England put " Safety First " ; and Labour Party and British democracy do not know that millions of their fellow-subjects have no rights to person or property in that most mysterious patch of the ever mysterious East.

But readers of Mr. Chudgar's book will see at last—and may they be as many as those who read *Mother India*.

JOSIAH C. WEDGWOOD.

October 10th, 1929.



## FOREWORD

THE Indian problem or, to be quite precise, the problems of India, have been theoretically before the British public ever since the Crown undertook the responsibility for the administration of India. With the progress of political sentiment throughout the world these problems have assumed at an accelerated speed enormous proportions and await with increasing insistence a solution which statesmanship alone, both British and Indian, can supply. One of these problems—namely, the problem of the Indian States and their people—lately brought to prominence by the report of the committee of inquiry under the chairmanship of Sir Harcourt Butler, it is the purpose of the following pages to discuss. I dare say, therefore, no apology is needed for the publication of this book at the present moment.

The book is divided into two parts—Part I dealing with the description of the administration in most of the Indian States, and Part II with the discussion of their constitutional problems and future. With regard to Part I a word of explanation may be necessary. In describing the administration, as is generally prevalent in the States at present, I have drawn upon my experience as a first class magistrate in my own State, as a legal practitioner in the States of Western India Agency for over fourteen years, as one of the organisers of the Indian States' Peoples' Movement, and upon records, such as

the Administration Reports and such other authorised publications. Far from being an overstatement, I am afraid I have often understated the case, as I had to exercise considerable restraint in the selection of my facts and their dispassionate presentation. In short, I have been keenly alive to the responsibility that lies on me as I wrote the following pages. Part II speaks for itself. It is my contribution towards the solution of the problems which must necessarily come to the forefront when the entire constitutional position of India is under consideration.

Before concluding I must express my sense of thankfulness to the many friends, both here and in India, for their generous support. I am particularly obliged to Mr. Jagjivan U. Talsania for his active assistance, and to Messrs Amritlal D. Sheth, M.L.C., Balvantrai G. Mehta, and Kakalbhai Kothari for the collection of material. In the execution of the work I am greatly indebted to Mr. R. Ramani, M.A., B.L., of the Middle Temple, barrister-at-law, for his invaluable assistance, Mr. R. S. Dikshit, M.A., LL.B., for his advice and guidance, and Miss Eileen Young for revising the book and making several suggestions. I owe the index to Mr. Sunder Kabadi, who also very kindly went through the proofs.

Nobody can be more conscious than myself of the imperfections and shortcomings of this work, but from the nature of the task undertaken and the difficulty of bringing to light much that must remain hidden from the public it was impossible to do more in the circumstances. However, I have felt during my stay in this country that the British public, far from being wilfully apathetic to the demands of elementary rights of the people elsewhere, is too preoccupied with its own problems to appreciate,

much less to grasp, the enormity of the suffering and misery under which such a large proportion of humanity is groaning. I only wish this little effort of mine may show them the light.

P. L. C.

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# PART I

## PRESENT CONDITIONS



# CHAPTER I

## THE STATES

THE Indian States are five hundred and sixty-three in number, and in area form a good third of the whole of India.

They have been officially classified into two divisions, with a hundred and eighteen in the First Division and the remainder in the Second. This classification means no more than that the First Division States are entitled to a salute of guns, while the Second Division States have not this privilege.<sup>1</sup>

They comprise States of varying degrees of importance and sovereignty, from the full-fledged ruler of Hyderabad, who has his own independent system of coinage, to the chief of a petty principality in Kathiawad. Obviously, all States do not possess uniform powers. Some have practically unrestricted rights to make their own laws, and have complete power of life and death over their subjects. Others have limited powers, and others again no powers at all.

The authors of the Montagu-Chelmsford Report therefore originated the idea that rulers who enjoy full powers of internal administration should be separated from those rulers whose powers are limited or in some cases next to nothing.

It was probably also thought that in envisaging a

<sup>1</sup> *Vide* Map, Appendix A, and Table, Appendix B.

future constitution for India on some kind of federal basis this classification would be a very useful guide. It would help to determine the units of the federation, and the question of the powers to be left, or assigned to each unit. The units themselves would then be formed by the grouping of the States and Estates according to their geographical situation, size, population and importance.

The total area of these States amounts to 538,138 square miles. The population is 68,658,974, which is one-fifth of the whole population of India, and is almost twice that of Great Britain. The revenues of these States amount to £34,500,000.<sup>1</sup>

THE FIRST DIVISION States are those that have full powers of internal administration, make their own laws, and have absolute power of life and death over their own subjects. Their highest Courts are not subject to any appellable jurisdiction even in cases of the extreme penalty of the law. A theoretical exception is recognised by petition to the Governor-General-in-Council, but in practice this has been a dead letter. In the exercise of these judicial powers the only limitation upon these States is that they cannot try European British subjects for capital offences.

THE SECOND DIVISION States are subdivisible into two classes :

- (a) Those which cannot in certain cases make laws without the sanction and approval of the British Indian Government. Their judicial powers are limited to the trial of minor offences. Serious offences are tried by the political agent or resident attached to the State. In the matter of general administration these States

<sup>1</sup> See Paragraphs 10 and 11 of the Butler Committee Report.



are subject to larger outside control than are the States of the First Division. The Indian Government's right of intervention in the internal affairs of these Second Division States is larger than in the case of States with full powers. That is to say, the Government can, both in theory and in practice, interfere in individual cases of injustice and oppression.

- (b) The other States having limited powers are those in which the executive, legislative, and judicial powers are divided between Chiefs and the political agents or residents attached to those States.

Most of these (b) States are situated in Kathiawad and Western India States Agency. In former times, before the "salute" and "non-salute" classification, these States were classified in seven divisions with varying degrees of jurisdiction as regards civil and criminal matters. They are now arranged as "salute" and "non-salute" States, and in one, or other, of these two classifications are placed States that formerly belonged to the third, fourth, fifth, sixth, and seventh classes.

The powers of the latter class of States in the Second Division are limited in criminal cases to the passing of sentences of rigorous imprisonment from three months up to a maximum of seven years. The fines may vary from £3 to £300. The Civil Courts exercise jurisdiction in cases of claims valued from £3 up to £1200.

All other powers are exercised by political agents in their own Courts, but it must be borne in mind that there is no appeal from the convictions and judgments of the Chiefs, passed within the scope of their powers. This has consequently lent itself to a great deal of abuse in the hands of most of these petty Chiefs, with the result

that the people are kept in constant terror of these Chiefs, who make up in a phenomenal greed for money what they lack in character and attainments. Their powers can be enhanced, reduced, or confiscated at the will of the Governor-General-in-Council.

There is in fact a Third Class which consists of States and Estates, which, though individually very small in size, together make up quite a large area, and have an aggregate population of over a million.

The Political Agent or, as he is now called, the Agent to the Governor-General in the States (who is placed there under the direct control of the Government of India), carries on the administration. This is done under the *nominal* supervision and control of the Government of India, but in practice the administration is as arbitrary as that of the Chiefs.

## CHAPTER II

### THE PRINCES

THE Princes themselves have loomed so large in the public eye, both in this country and in India, that it should be interesting to study their revolution from the state of helpless infancy to that of all-powerful Divinity.

The early childhood of a Prince, from birth to the age of seven years, is spent within the walls of the Palace. Fondled, indulged, and scrupulously guarded, he is kept like a jewel within its velvet case.

This excessive attention to his safety is necessary because of the atmosphere of intrigue with which he is surrounded. His father, in all probability, has more than one wife, and, as the mother of the heir-apparent becomes the favourite, she excites the jealousy of the other wives. Apart from these legally married wives, who may be as many as four in number, there is invariably quite an army of mistresses and concubines. Thus the air is thick with jealousy, intrigue, and suspicion, and the life of the infant Prince is always assumed to be in danger. There have been cases in which a baby Prince has been poisoned or otherwise murdered, but these, being almost impossible to prove, never become known to the public.

The infant Prince is therefore perpetually in the lap of his mother or in the arms of some trusted slave-girl, who in her turn is also very closely guarded and is never allowed to leave the room of the mother.

Thus the infant grows up in a debilitating hot-house atmosphere of artificial luxury. Even in cases where these fears and suspicions do not exist the position is much the same. The Prince is always on the lap of the mother or of the slave-girl. The slave-girl caresses him, calls him "God" and "Father," and from the moment he is of an age to understand what is said to him heaps upon him flattery of the most blatant kind, so that the little Prince's earliest impressions of himself are that he is a Deity before whom his whole world must bow down in humility and adoration.

When the Prince is three years old he is taken out for his first airing in a perambulator, or in a gorgeous carriage behind a pair of thoroughbreds. A liveried bodyguard on horseback forms his escort. See him then, the little autocrat of the future, as he sits in his jewelled "pram" or on the lap of the fawning slave-girl in the luxurious carriage! Cloth of gold embroidered with pearls, heavy ornaments of gold and silver on his arms and legs, neck and shoulders adorned with priceless diamonds! This is a very usual sight in the capitals of many Indian States, and when the Royal equipage passes through the public streets or bazaars, woe betide any subject who does not rise and bow with folded hands to the little innocent who is, alas, fated to be the all-powerful tyrant of a future day!

When the Prince is five years old, and is able to run about by himself, little playmates are provided for him. These children are for the most part the sons and daughters of Palace attendants. They flatter the Prince, and fawn upon him in the most flagrant manner. Their cringing attitude towards him confirms him in his belief that he is a species of Divinity, and he very soon acquires a rude and insolent bearing towards all his young associates, whom he may, and does, abuse and bully to his

heart's content. He may knock them about, beat and flog them, and still nobody interferes with the Royal will and pleasure.

This then is the earliest social atmosphere enveloping a Prince. From the children of menials he learns every kind of trickery and plenty of the vigorous language of vituperation. With the children of the better class of citizens, who might conceivably meet him on a plane of equality, he never mixes. He is thus deprived of the invaluable discipline gained by association with other children, and of the opportunity to "find his own level," both mentally and physically.

At the age of seven, the second and most important part of his training begins. He is sent to one of the exclusive schools provided by the British Indian Government and known as Princes' Colleges.

There are four such Colleges. The first was founded in 1870 at Rajkot in Kathiawad. This is known as the Rajkumar College, and it provides for the education of Princes and Chiefs of the Bombay Presidency. The second, known as the Mayo College, was established at Ajmer in 1872 for the Chiefs and Sirdars of the Rajputana States. The third is the Daly College, founded in 1881, for the benefit of the Chiefs of Central India; and the fourth is the Aitchison College, founded at Lahore in 1886 for the Chiefs of the Punjab.

There are besides a few exclusive schools for the benefit of the sons of lesser Chiefs and of landowners of the Chief class, the numerous estate-holders in Kathiawad and elsewhere in the States. An example of such a school is the Talukdari Girassia School in Wadwan Civil Station, Kathiawad. There are similar schools at Lucknow and Raipur.

The original intention was to provide a system of

education on the lines of Eton and Harrow, but unfortunately that intention never materialised. These Princes' Colleges have hostels attached, and in these the sons of the Chiefs live. The Principals of the Colleges (Englishmen, with Oxford or Cambridge degrees), in addition to putting their pupils through the prescribed course of study and games, also receive them as boarders, with presumably the laudable ambition of bringing them up to the approved standards of dignity in deportment and affability in manners. It is, however, regrettable that it is in many of these boarding-houses that the first seeds of the drink habit are sown, which afterwards plays such havoc with the lives of our rulers. The pupils are attended in these hostels by the companions of their childhood, who escort them to and from the College.

The scholars are kept in strict seclusion. No outside person may interview a Prince without the permission of the Principal. Thus the Princes pass most of their time either in the company of menials or in that of their fellow-Princes. The result of this monastic seclusion on the temperament of our Princes has been in many cases undesirable, and certain unhealthy habits are formed which persist to the end.

The course of training includes the ordinary educational subjects—excluding Latin and Greek—but nothing likely to be useful in the successful control of any branch of administration is taught.

Their games include cricket and football, also tennis, hockey, and golf. But the zest is taken away from every aspect of their school life by reason of the absence of emulation and healthy competition. Prizes and certificates are many, but these are distributed as a matter of routine rather than awarded as a recognition of merit.

The assistant masters at the school are graduates of

Indian Universities. They are appointed without reference to any special qualifications for the task of training boys who will one day be rulers over hundreds and thousands of men. Instead of endeavouring to be their mental and moral benefactors, each assistant master studiously tries to ingratiate himself with his pupils, in the hope of one day receiving a rich sinecure in the realms of a future ruler. He therefore prefers to play the part of humble servant rather than that of mentor. Like the slave-girls of earlier days, these pedagogues flatter their princely pupils and fill their heads with false ideas about their high status as Divinities. A Prince who turns out well in spite of such education is naturally rare.

Attendance at this institution is necessarily compulsory. The boys find in the school an alien atmosphere, and try to avoid it as much as possible.

Their parents, knowing how little is learnt, and how the boys object to the restraints imposed, are apt to support the would-be truants in every way. Often the Political Agent has his work cut out for him in the matter of writing letters to parents persuading them to send their sons back to the Colleges. Nevertheless, every boy manages to avoid a few days each term, and during the last two years of the course petition after petition is submitted for an early discharge from College for a large variety of concocted reasons.

Theoretically, every Prince is supposed to be in the College for ten years. In practice, however, each boy on an average remains there for not more than six or seven years. They pass no examinations.

None of the Princes is qualified to pass even the Entrance Examination of an Indian University.

The expenses of this education are provided from interest on Endowment Funds, from State Grants, and

from Annual Grants made by the Government of India. The personal expenses, such as the board and lodging of a Prince, are provided by the State concerned, and for the most part by the impoverished cultivator of the soil, who gets his return in the shape of a Chief reared and trained to be a tyrant. The total yearly cost of the College staff amounts to about £6000, and that of the pupils to about £25,000. Thus about fifty of our Chiefs are trained at the cost of about £30,000 a year. When Lord Hardinge opened the first Chiefs' College in Rajkot in 1870 he made the following observation : " It is on the education and enlightenment of the ruling Chiefs and their Sirdars that the moral and material progress of India in no small measure depends." How far this object has been attained will appear from the following extract from a speech by Lord Curzon just over twenty years ago :

" We desire to raise up a vigorous and intelligent race of young men who will be in touch with modern progress but not out of touch with old traditions, who will be liberally educated in sympathy with their own families and people, who will be manly, not effeminate, strong-minded but not strong-willed, acknowledging a duty to others instead of a law unto themselves, and will be fit to do something in the world instead of settling down into *fops* or *spendthrifts* or *drones*."

His Lordship was impelled to make these remarks presumably because of the existence of the conditions he sought to avoid. Now, more than twenty years have gone by and the same conditions, in a more powerful degree, exist amongst our princely scholars to-day. The records of the India Office will show how many of these Chiefs, educated at these Colleges, have had to be deposed or deprived of their powers. That is the result of the tragic



system of education which demoralises the Princes and alienates them from their own people.

Times without number successive Viceroys have suggested various schemes for improving the system, but the Princes have never yet adopted any of them, so that while stupendous advances have been made in the world of education these archaic institutions have always shown a lamentable tendency to shut out the sun of knowledge and to persist in antiquated traditions.

The responsibility of such a state of affairs is pre-eminently that of the Government of India. Self-interest on the part of the British Indian Government may explain the inadequate provision of facilities for the acquiring of proficiency in the art of government. Although natural ability is invariably absent in the Prince, at least half the blame for his evolution as Tyrant and Oppressor must be laid at the door of the British Indian Government.

That these Princes' Colleges have more often than not been a source of vice and wickedness is common enough knowledge. One of the Princes once confided to the writer why he had been at great pains to manufacture excuses to defeat the insistence of the Political Agent when the latter was trying to induce him to send his young son to school.

Of late it has become fashionable to send the young Princes to the West, particularly to England, for their education. The results are no better. The Prince becomes alienated from his people, and false ideals, adopted by the Prince in the first flush of his youth, serve to distort his vision and cause him to despise his own people. Of this quite recently a typical instance came to the writer's knowledge. One of our heirs-apparent, who had been in an English school for three

years, had learned nothing, failed in all his examinations, mixed with a very fast set, and acquired drinking habits. His guardian, an English gentleman, finding the Prince intractable, declined to accept further responsibility, and an Indian gentleman had to be sent all the way to England to take the Prince home to India. The boy, in fact, refused to return, and, assisted by his undesirable friends, put up a great show of resistance. This boy will one day be called upon to rule over one hundred and fifty thousand people, with the sole control of a revenue of £100,000 a year. It is a romantic story in the telling and should be amusing reading were it not tragic in its results. Another son of one of our Maharajahs, the ruler of an important State, died a victim to Bacchus in a continental hotel. A remedy for this state of affairs is not far to seek. A system that cannot be mended must be ended.

Briefly, these Princes' Colleges should be abolished and the Princes educated in the ordinary schools. On leaving school the young Prince is usually expected to "complete" his education by travel, and after a carefully guarded, personally conducted tour through India he may be called upon almost immediately to assume his high office without any further preparation.

What follows is a great event in the history of that particular State. A big Durbar is held. The Political Agent, or the Governor, arrives with a letter from the Viceroy, authorising the investiture of Regal authority. Congratulatory speeches are delivered in which wise and solemn words are uttered calling attention to the great responsibilities of princely office. A catalogue of his obligations to his subjects, coupled with timely warnings against agitators and their disruptive politics, is given and rounded off with hopes and wishes for a successful and glorious rule. A handsome sum of money, saved

during his minority, is handed over to the Prince ! Then comes the latter's reply in the shape of a carefully prepared speech which he has learned to read with just and due emphasis. Gratitude to the Government and thanks to the Viceroy are the opening sentiments. He knows the responsibilities attached to the privileges of his office. He will strive to deserve the esteem of his beloved subjects, keep the fountain of justice unsullied, root out all corruption, effectively express his zeal for reform by actual accomplishment, and so on and so on. Servant of the State, he dedicates all his abilities at the altar of the people. The business is over and pleasures come after—banquets, processions, and illuminations. Lastly, a gorgeous display of fireworks rounds off the happy and auspicious day.

The fireworks strike one as an appropriate finale. For do we not all know that both the speech and the reply are but verbal pyrotechnics, which, like the sparkling, hissing sky-rockets, after dazzling us for a moment, fade away into darkness and silence.

## CHAPTER III

### THE LIFE OF A PRINCE

WE now arrive at a stage in the evolution of the Prince when the fierce light that beats on a throne glaringly throws into prominence every little idiosyncrasy of the ruling potentate which, in the private individual, might have remained in dark obscurity.

The affairs that demand his attention within the Palace precincts are many and varied, but what time the Prince can spare from these is spent in running up to some of our important cities, such as Bombay and Calcutta, in order to buy the latest thing in motor-cars, furniture, clothes, ornaments, horses, and dogs. Then, of course, there are visits to Hill Stations, and Shikar expeditions. During the last ten years many of our Princes have formed the habit of passing at least four months of the year on the Continent, and how they spent their time there is common enough knowledge.

This is what the great Indian, the Rt. Hon. Srinivasa Shastri, said in the course of a lecture he gave at Cochin in October 1926 :

“ . . . But let me point to this one fact, that during the last ten or twelve years, when the policy of the Government of India has been, as far as possible, to leave the Durbars of our Native States free and untrammelled, political officers have, as a rule, not interfered unless gross misrule prevailed. That policy of relaxing the

control almost suddenly over a set of people who have long grown accustomed to rigid and indeterminate discipline has had a very unfortunate effect. *A great many of the Princes are not to be seen in their palaces.*

*"They are to be seen anywhere where enjoyment can be bought with their people's money. You go to London, you go to Paris, you go to all fashionable cities and you meet some Indian Rajah or other, dazzling the people of Europe and corrupting those who go near him."*

Their travels in Europe are, as a rule, covered by the pretext of health, but, as most of them know, no such pretext is required. They are answerable to nobody. Occasionally it appears to be necessary for one or other of the Princes to go to England and personally place some confidential matters before the dignitaries of Whitehall. But it is always easy to manufacture an excuse, and no one knows this better than the Princes themselves. Quite recently the Butler Committee afforded to several Princes a plausible excuse to absent themselves in England for a considerable length of time and to squander in this way the revenues of their people.

In former days the Princes could not leave their States without the knowledge and permission of the Government of India, but since the War things have changed. The Princes have discovered that they are "Independent Sovereigns," and that any interference on the part of the Government of India is a serious encroachment upon their rights.

The degree of liberty that a Prince demands is a licence to indulge himself to excess. If at last the British Government decides to interfere it is well known that the Prince prefers to abdicate rather than face a Commission of Inquiry. For he could put up no sort of defence with

regard to the allegations made against him. Besides, the abdication is a blessing in disguise even to himself, for it means money without the trammels of office. He gets a fat pension as a reward for his crimes against his people, and spends the rest of his life in a round of expensive pleasures in Paris or elsewhere, blessing the British Government for its magnanimity and high regard for his princely rights and dignities.

Then comes the question of succession. If his son is a minor, a Council of Regency is set up or a British Administrator is appointed. The latter is strictly enjoined to avoid the introduction of any popular or democratic institutions and to carry on as an autocrat. His reign as a bureaucrat under orders is no better than was that of the deposed Chief.

In due course the son comes of age, succeeds to the throne, follows in his father's footsteps, and history repeats itself to the bitter end. It is a sad commentary on the administration of the States that there is scarcely a State in India in which a deposition has not taken place, at least once in every three generations.

The State of Indore is the worst offender in this respect, for here three successive depositions took place one after the other. The last of these deposed Princes still lives. He is Tukoji Rao of "Mumtaz Begum" and "Nancy Millar" fame, and his continued sojourn on this planet costs his starving people the sum of £50,000 a year.

One of the exceedingly interesting events in a State is the Prince's marriage. Nothing brings the reckless extravagance of the Princes so much to the forefront as this function. It is an illustration of the ease with which State revenues are normally diverted from their legitimate channels for the private use of the Prince. To

begin with, parties of the Prince's friends and dependents go forth in all directions in search of a beautiful and suitable bride. The girl who, in addition to the possession of personal beauty, can also boast of a father with large amounts of jewellery and the wherewithal to pay a handsome sum in return for the high honour paid to his daughter, is the bride selected.

Preparations on a huge scale are made several months in advance. Agriculturists, labourers, artisans, and tradesmen of every kind are summoned, and are employed in various ways in connection with the forthcoming ceremony. They have no alternative but to obey. It is simply forced labour—a form of conscription.

They go about pitching tents, arranging camps, building roads, erecting arches, carrying water, preparing sweets and all the accompanying paraphernalia of a festive board. It may be needful to add that the wives of these men are also "conscripted." The daily avocations of the working class are thus dreadfully upset. They must get on as best they can. Their possessions likely to be useful in such a contingency, carts and bullocks, milch cows, even their tools and utensils, do not escape this "impressment," and if such goods are not produced on demand the State sees no injustice in taking them by force.

But the "most unkindest cut of all" is that our "forced labourers" have to work without any thought of remuneration except the food that keeps them alive while they serve their masters. Even their unpaid labour is not considered sufficient. A special marriage tax is levied on the land-holders, cultivators, and labourers, so that the marriage expenses can all be covered by the State.

It is the responsibility of all State servants, from the

Prime Minister downwards, to see that the Chief has ~~at~~ the money he wants. That is the important thing. When that has been accomplished nothing else matters.

The whole State Administration is suspended during the preparations. The heads of all departments and the members of their staff, high and low, are engaged in preparations for the wedding.

Courts of Justice are closed and school buildings and business offices are cleared for the housing of the wedding guests. Batches of officials are sent round the States with wedding invitations for Chiefs and prominent men. Special trains are run, and often lavish gifts of money, jewellery, and clothes accompany the invitation to the wedding ceremony. Then comes the actual event and with it the real Bacchanalia—feasts and entertainments, casks of wine by the hundred, swarms of dancing and singing girls, and rejoicing and revelry for days and nights on end.

There are two kinds of marriage ceremony. In the first, the bridegroom attends in person and arrives at the home of his bride, accompanied by a large retinue, consisting of several hundreds of followers. These vary in number, according to the status of the Prince. Often a special train, or a series of special trains, have to be run to convey this retinue to their destination.

When a Prince arrives he is greeted with a huge procession. Then comes the actual ceremony. The bride and bridegroom, together, walk seven times round the sacred fire, after which the "hand-mixing" ceremony takes place. This consists of placing the hand of the bride in that of the bridegroom. Oaths of mutual fidelity and obedience are sworn. The marriage tie is then complete.

Festivities continue for about another week. Gifts of



Money and jewellery are showered upon the bridegroom and on the leading members of his suite by the parents and brothers of the bride. A large dowry is then bestowed upon the bride, who finally accompanies her newly acquired husband to his Palace.

In some cases the bridegroom does not attend in person. He sends his "sword," accompanied by the same big retinue of followers. The sword is welcomed by a big procession, and certain ceremonies, without, of course, the oaths, promises, and "hand-mixing," take place. The bride accompanies the sword to the Palace of the bridegroom and there the actual wedding ceremony is solemnized.

Marriage in the life of many an individual is an inspiration for good and an impetus in the right direction. It is Fate's irony that in the case of a Prince it is invariably an added jolt to the already unevenly running and ill-gear'd machinery of his life.

He soon tires of his chosen bride. Probably the first rift in love's lute may be caused by some form of the ever imminent Palace intrigue. If the mother of the Prince is living there she will probably grow jealous of the wife and trouble may safely be anticipated. Perhaps the mother makes mischief, or perhaps the wife herself is at fault. At all events, within a year or two the Prince tires of his wife and yearns for variety. It may be that the wife has failed to give him a son and heir, or again it may be that the courtiers, for some reason of their own, desire to entice the Prince into another marriage.

In such circumstances the lot of the first wife is frequently most unhappy. She is deserted, relegated to an obscure place in the Palace, and for the rest of her life becomes a forlorn prisoner in the house of her formerly ardent bridegroom. A permanent allowance is

given her, but she has no contact with the outside world, and nobody knows of her wretched condition.

There is no Court to which she can appeal, and there are no means of redress whatsoever. Sooner or later the second wife will meet the same fate as the first, and again the third will follow in the footsteps of her predecessors. I can cite quite a number of cases in which Princes of First Class States have two, three, or four wives, and all of these, except the favourite for the moment, are pining away in darkness and misery. In addition to these lawfully married and much-wronged wives, many Princes have mistresses and concubines, chosen from the ranks of low-class dancing and singing-girls. Often, indeed, European travels result in further additions to the nuptial board. Reference has already been made to the Maharajah of Indore and Nancy Millar. The Maharajah of Kapurthala found a spouse in Spain, while the Maharajah of Puducotta married an Australian. Also there is Mr. "A," who earned an unenviable notoriety in England.

Less than half a decade ago the *Bombay Chronicle* created a sensation by publishing over the signature of "A Maharani" a letter lifting the veil off the hitherto hidden fate of these "disprized" wives, and beseeching the leaders of public opinion in India to lend their aid in the emancipation of hundreds of such women immured within palace walls and enduring the most abject misery. Here is the letter :

## THE STATUS OF INDIAN PRINCESSES

### A TALE OF WOE

(By one of them.)

"It will seem strange that a person from my class should seek the help of the public—and that through the agency

of a daily paper ; but there are limits to human patience and suffering. It is impossible to bear the strain of life-long neglect and ill-treatment. It is said that even the worm will turn, and we women of the ruling Princes of Hindustan are surely more sentient than the proverbial worm. For generations we have quietly suffered untold and unbelievable wrongs ; but this is a new age. Even we behind the Purdah have felt the breath of the new spirit. Our grandmothers put up mildly with insults and humiliations without a word of protest. They accepted their fate ungrudgingly. They allowed themselves to be treated like pet dogs. Our mothers showed a slightly different spirit. They cried and killed themselves when the agony was unbearable, but the new generation has started to protest. Why should we not protest ? We are also human. We have received little education, but we had English governesses to instil new ideas into our heads. Even we dare to dream in terms of self-determination.

“Persons of my class are married off when they are quite young. My father’s house is of middling importance. I was brought up and educated with my brothers. My parents prided themselves on being modern. At the time of my marriage a decent amount of money was paid to my lord presumably for my maintenance, but not a pie has ever been available to me. I did not understand what marriage was except that I had to leave a happy home and in future I had to stay with strangers. But I was old enough to understand that the Prince who married me belonged to a big house, and I did dream dreams of splendour. When I went to my new home I wanted my governess to accompany me, but that was not allowed. I was well looked after, well-dressed, and kindly treated. One day the news came to me with a shock that the

Prince had two other wives and that there were other women also with whom the Prince spent weeks. I was overwhelmed with shame, and I dared not to look up into the faces of my servant-women. When the Prince came to me I talked to him very cautiously, but he was absolutely brutal about it. He told me things that I refused to believe. I never thought that any man could possibly be so inhuman.

“I found out a pretext for returning to my parents. There I created a scene, but my aunt told me horrible stories, and eventually I returned to my master. All pride of family greatness, of purity of married life, was knocked out of me. Purity does not exist for such princely masters. They are above such human considerations of virtue. Throughout my life I have been made to feel that my status in the world depended upon the favour of the Prince. If I am a great personage to-day I may become almost a beggar to-morrow. The State Jhaverkhana (Treasury) is at my disposal, but not one little thing belongs to me. The same thing applies to dresses, motors, horses, and servants. A fairly large sum of money is placed at my disposal in the family budget, but I may not spend, well, practically anything, without the previous sanction of my husband. This total dependence is deliberately enforced. I have been made to pocket insults, and they say that self-respect is a commodity unknown in the Palace. I submitted to all sorts of humiliations, though not without protest. I have been kept caged up. I may not see men except some near relatives. I had no one to whom I could complain or consult.

“But I could not bear my children being treated with unfairness and injustice. For their sake I quarrelled with my husband and now we are drifting apart.

God alone knows what has happened to our Indian Princes. Why are so many of them running after baby faces? Why have they become so recklessly careless of their name and reputation? When the whole country is being influenced by high ideals and striving to improve itself, so many Princes are taking a downward course. Why are some of them imbued with animal passion to a disgusting extent? It is obvious that some of them go to Europe just with a view to enjoy personal liberty so that they may indulge in license without any check. They are neglecting their State affairs. Their people are angry with them, but what do they care? The Government is pursuing a policy of non-interference; perhaps they are giving them the long rope so that they may eventually hang themselves.

“The subjects of the Princes have become vocal and they are raising their voices in complaint. Perhaps the Viceroy will listen to them, but how are our grievances to be redressed? I have consulted political officers, they give me no hope. We are to be treated as chattels. There is not much difference in the treatment that a married Princess and a Court courtesan may receive. We have no rights. We cannot combine as you men may. I consulted a prominent politician who is also a lawyer. He could give me no hopes. Intrigues with political officers and with the Political Department are unsuitable to my nature. I want my rights. I want my status to be regularly defined. I want to fight for the many voiceless women who are being ill-treated. I say that they are reduced to a condition which is worse than that of beggars in the street. We are taught to be slaves. Our duty is merely to satisfy the whims of our master. We are deprived of our self-respect. If we assert our right of being human our lord may neglect and punish us.

We are threatened with this every moment of our lives. The Prince has no duty towards us, we have no rights excepting such as a kindly political officer may get for us.

“ Our existence is a mere cipher. We are not taught to take interest in anything. We are the toys of our master. He may dress us or tear our clothes away. We are worse situated than the Russian serfs of yesterday.

“ You politically-minded men rejoice when the Nepal Government frees thousands of slaves, and yet you do not know that side by side with you live our own sisters, whose existence is worse than nightmare. You will say that there is morbid exaggeration in my account. So said people in regard to Russia, Congo, and elsewhere. You are grieving and praying over the fate of the Indians in South Africa, but will you not listen to the tragic appeal of your sisters ? ”

It is generally surmised that the writer was the wife of a Prince of the highest class, once considered very enlightened and progressive, but who has latterly passed much of his time on the Continent.

## CHAPTER IV

### THE PEOPLE OF THE STATES

AS we proceed to consider the lot of the people of the States, as compared with that of their Princes, truly we find that no country in the world to-day could show a greater contrast between reckless affluence and abject poverty.

Most of these States are inhabited by the same class of persons as is found in British India, that is to say by agriculturists, merchants, artisans, craftsmen, and labouring classes. The guaranteed land-holders who are known by various names or titles in different States form a class whose position it is important to understand clearly. In Southern Maratha States they are known as "Jaghirdars," in Rajputana States as "Thakurs," and in Kathiawad States as "Mulgirassias" and "Bhayats." These are the privileged classes, and their lands and holdings are guaranteed by the British Government.

The rest of the population is made up, as I say, of agriculturists who number about 70 per cent; merchants, artisans, and craftsmen about 15 per cent; and labouring classes about 10 per cent. The last mentioned are employed for the most part in some form of agricultural labour, and, of course, in other odd jobs.

The remaining 5 per cent are State servants and their families, dependents of the Princes, Rulers, and Chiefs.

Few States possess any industries worth the name except Mysore, Travancore, Cochin, Baroda, and Gwalior.

Some have spinning and weaving mills, others cotton-ginning, and pressing factories. Many of these mills and factories are owned by the Chiefs, for whose private profit they are carried on as monopolies.

There are also a good number of "cottage industries," but as they do not provide a living wage they are scarcely worth mentioning. As regards the labouring classes generally, employment is notoriously unsteady. Ordinarily the labouring classes in the States find employment for six months in the year. During the other half of the year they can find little to do, and they are forced to migrate to British India and elsewhere in order to get work.

The condition of the artisan and craftsman class is much the same as that of the ordinary labourer. The majority of our artisans and craftsmen are migrating to British India on account of the forced labour and harassment to which they are constantly subjected by the members of the Chief's family and the State officials.

The merchant class is occupied in the distribution and sale of local produce, such as cotton, corn, and other products, and in the supply of necessities, such as cloth, sugar, and other commodities. This 15 per cent includes bankers, money-lenders, and people of kindred occupations. But persons with private means and members of the literary and learned professions are gradually leaving the States and settling down in British India.

The reason is not far to seek. The old archaic form of administration offers them no scope for the display of their intellectual powers, or for the safe investment of their money. In other words, under our Princes neither personal liberty nor private property is considered safe !

For at any moment a subject can be deprived of his



erty, and his private property can be confiscated with little more than the semblance of a trial, and in some cases in its entire absence.

The vast majority of the working-class population is engaged in some form of agricultural work. In fact, agriculture is at present the chief, if not the sole, occupation of the people of India, and more particularly of the people of the Indian States.

Though the States do not compile, or to be strictly accurate do not publish, any statistics, we can take the British Indian figures as a fairly safe guide. In British India it is estimated that 71 per cent of the population is supported by agriculture, and if to this are added pastoral and hunting pursuits the estimate rises to 73 per cent.

Taking into consideration the comparative absence of organised industries in the States, nearly 80 per cent of the population is mainly agricultural. The remaining 20 per cent includes people engaged in the limited number of organised industries connected with the supply of personal and household necessities, those engaged in trade and transport generally, and also menials, domestics and State servants.

Of the conditions governing the organised and unorganised industrial labour, not much need be said. These workers have a ten hours day. The male worker earns six pence and the female worker four pence a day. Work is not continuous throughout the year. For about two months during the rainy season there are only odd jobs. Regular work is, on the whole, continuous during only eight months in the year, and even then the wages are insufficient for the supply of the barest necessities, to say nothing of the provision for sickness and old age. The power of resistance to disease is altogether lacking, and this is due to insufficient food and clothing and

the impossibility of procuring medical relief. The average age-limit, not of the industrial workers in particular, but of the State subjects in general, is twenty-six years.

It might be worth while here to draw a picture of a typical village of an Indian State. Mud walls covered over with bamboo and straw roofings form the homes. To have roofings covered over with mud-baked tiles is a sign of comparative opulence.

There are perhaps two rooms, each about twelve feet square. A four-foot verandah runs outside the walls. Windows are absent; sun and rain are carefully shut out, and with them of course all light and air. Together these two rooms comprehensively serve as kitchen, dining-room, bedroom, and indeed answer every domestic purpose, according to the time and occasion.

Some of the houses have small compounds or yards. These include the cattle byres. The whole domestic structure is shockingly dirty and absolutely insanitary.

The village streets are simply a series of narrow lanes, just wide enough to permit the passage of a bullock cart. These streets are always thickly strewn with germ-infested dust, except during the rainy season, when the dust becomes foul and evil-smelling mud. And the villager pays taxes for the privilege of living in an ant-heap like that!

In addition to the ordinary rents and taxes, every villager, except the cultivator, has to pay a Poll Tax. This Poll Tax may average from 1s. 4d. to 3s. a year, a serious item when you consider the total yearly income of the villager.

The only public buildings of any sort are the office or house of the village policeman or watchman, and the small temple which the people visit in the evenings. Some

Villages have a school building, but these are not the rule but the exception.

On the outskirts of the village there is a pond or well from which the drinking water for the people and their cattle is procured. The well is scarcely safe from pollution, and in the hot weather it often dries up, and great hardship results.

The food of the villagers consists of boiled or baked flour, corn, and butter-milk, with chillies and salt. Rice is an occasional delicacy, and sometimes the villager who owns a cow is able to save a little of its milk for his own family. But of course milk must first be supplied, free of cost, to the village official, the circuit official, and the district official.

The extent of the worldly belongings of the typical villager has already been described. The cooking utensils, the wooden cot and bedding, the mud vessels for storing grain, coarse clothing, and the set of crude agricultural implements together form the entire outfit, which, even at the most liberal estimate, is worth about £2.

The people cannot afford sufficient fodder for their bullocks any more than they can afford milk and nourishing food for themselves and for their children. Perhaps one villager in ten may possess a cow or a buffalo.

Does the village know its ruler?

As a rule the poetry of the Prince's life affords no leisure or inclination for this prose. He may perhaps go once in three or four years, stop for an hour or two, and ask the villagers if they have anything to say. Days beforehand these villagers have been tutored to reply that they have no complaint, that they are perfectly happy and contented and so on. They offer "nazar"—a present of a rupee (which is about 1s. 6d.)—as a tribute of respect and gratitude. The Prince graciously accepts

the rupee and goes off to countries beyond the seas to tell everybody that his people are happy, prosperous and devoted.

The average yearly income of these "happy and contented" subjects of the Princes is about £3 10s. Out of this the villager must feed and clothe himself and his wife, children and dependents.

It is now easy to understand how the subjects of the Princes are forced to pile up debts to the State and to the money-lender. This burden continues through successive generations with additions thereto, and no one ever hopes to shake himself free from it.

His Royal Highness the Prince of Wales said he was shocked at the condition in which a comparative handful of Welsh miners were living ! Does His Royal Highness know that sixty millions of the subjects of His Majesty's most devoted friends and allies exist perpetually under similar, if not worse, conditions, and without any ray of hope for the amelioration of their most unhappy lot ?

## CHAPTER V

### SLAVERY AND FORCED LABOUR IN THE INDIAN STATES

ADDRESSING the Sixth Committee of the League of Nations on the International Slavery Convention in 1926, the British delegate said :

“ The Government of India were satisfied that slavery in the ordinary sense did not exist in the Indian States, but were prepared to urge the Rulers of the States to institute reforms when necessary. While they did not consider that interference with the internal administration of ruling princes was justified, they would not fail to make suitable recommendations to the State Rulers.”

That is a statement remarkably inaccurate for a responsible occasion. For it is not true to say that slavery in the ordinary sense does not exist in the States to-day. There are Slave Communities in many of the Rajputana States, and in various States of the Western India States Agency, including the States of Kathiawad. According to the Census Report of 1921, in Rajputana and Central India alone there were in all 160,735 slaves of the Chakar and Daroga classes. These Slave Communities are known by various names, such as Darogas, Chakars, Huzuris, Ravana Rajputs, Chelas, and Golas.

The slaves, Hindu and Moslem alike, with their wives and children, are owned, body and soul, by the Princes. They are allowed to possess only the merest necessities of existence. They have no property, and no private

rights of any description, and in return for their ~~life~~ services they are supplied with food only. This food consists, as a general rule, of the scraps and crumbs left over from the dishes of their masters.

The masters can give away, as part of the marriage dowries of their own daughters, the wives and daughters of the slaves. Marriages and divorces of slaves depend solely upon the sweet will of their masters. If a slave runs away to seek sanctuary in some other State he can be seized and forcibly returned to his master.

The following extracts from the Laws of Jodhpur and Kotah are instructive on these points :

JODHPUR. " If the Darogas deviate from service commensurate with the position and requirements of the master, he is *legally entitled to take adequate services*.

" If the number of Darogas exceeds the position and requirements of the master, he may keep the requisite number and discharge the rest, *who shall, however, when summoned, attend marriage and other ceremonies in the master's house and live there for such time as he chooses. He shall give them bread.*

" Rajputs who have Darogas born under their roofs, and have brought them up, shall be entitled to give away the daughters of these Darogas in dowry, along with their own daughters. *Rajputs of position shall be entitled to give away in dowry whole families of the Darogas.*

" The master shall be entitled to give away in dowry the daughters of *even those Darogas who, having exceeded in number the position and requirements of the master, have sought employment elsewhere.*"

Although these laws have been ostensibly repealed no actual steps have been taken to bring the Repealing Act to the notice of the persons concerned, most of whom are

too illiterate to find out these things for themselves, with the result that their miserable condition remains unchanged.

And any public-spirited effort at explaining to them their legal rights constitutes a criminal offence in the States! Although the laws prohibiting the members of Slave Communities from leaving their States without the permission of their masters are theoretically abolished, in practice, the slaves still can be, and are, seized and forcibly returned to their (according to the so-called Law) *illegal* owners. To protest against this would be a criminal offence.

KOTAH. "Agricultural labourers, peasants, shepherds, and cowherds and serfs of the State shall not be allowed to emigrate to another State unless they have arrived at a settlement with their masters. As a rule they shall obtain permits from the Nazim (District Magistrate) or from their masters before emigrating from one State to another. Those agriculturists, agricultural labourers, shepherds, cowherds and serfs who fail to obtain such permits shall be respectively delivered on demand to the District Magistrate and the Superintendent of Police concerned.

"Any born slave of the jagirdars (estate-holders) who might have entered State service shall on receipt of information from the jagirdars be forthwith dismissed, and no complaint by such a slave against the jagirdar shall be heard until it has been ascertained that the complainant is not a slave. His Highness looks upon this request of his nobles favourably, and considers it proper that no born slave of any jagirdar of Kotah shall be employed in the police, the army, or any other department of the State, and that if such a slave at the time of his appoint-

ment conceals his identity (origin) and thus succeeds in entering the State Service, he shall be removed from the Service as soon as his identity is revealed. It is further ordered that lists of all born slaves employed in the Army (including the Godham Infantry) and the Police Department shall be submitted to this office so that they can be removed from the State Service, and that no born slave shall in future be employed in any department of the State." (Kotah State Order, dated September 26, 1920.)

In Bikaner State, according to the Census Report of 1921, the number of slave-born domestics of the Chakar and Daroga classes respectively was *Chakars* 4125 and *Darogas* 6759, making in all a total of 10,884 slaves in the State of the Ruler who was a delegate to the League of Nations, is a signatory to the Treaty of Versailles, and is represented by the British Government to be one of the most enlightened and progressive of Rulers.

In Alwar there were, according to the same Census Report, 631 males and 627 females of the Chakar class, and of a Daroga class 1958 males and 1963 females, making up a total of 5179. These same conditions exist to-day, in spite of the so-called laws for their abolition. And yet on the 5th of July, 1929, His Majesty's Secretary of State for India in the present Labour Government described the Maharajah of Alwar in the following terms : " A remarkable man who shines in every walk of life, and whose State bears the marks of the good administration of its Ruler ! "

Leaving aside for the moment the plight of those people born in Slave Communities, it must be noticed that any State subject, whether unemployed or not, can



be called up at any time to do " Forced Labour " for any State official, that is to say for anybody in that capacity from the Prince down to the lowest constable in the police force.

The system of what is known as *Veth* and *Begar* (meaning Forced Labour) prevails in almost all the Indian States, and all classes of labourers, workmen, and artisans are compelled to work for the Princes and their officials, in many cases the only remuneration being the barest necessity of food. These subjects are compelled to work at any time and for any period that the State may require. Often they may be required to go miles from their homes, and may be forced to follow the hunting parties of the Prince or of his guests from village to village, over hills, and through dense forests and burning sands. This is quite a common sight. One can see these people in cold, hot, or rainy seasons, insufficiently shod and clad, toiling after the pleasure parties of their masters. Even the women, young or old, married or widows, are not exempt. If any of these people, men or women, are infirm and cannot work properly, they are flogged or otherwise tortured.

To the knowledge of the writer, poor old women of sixty have been severely flogged by constables. This was done with bamboo sticks in public streets, and the crime for which they were punished was merely that of pleading exemption from forced labour on the grounds of their infirmity.

In addition to personal labour the agricultural " slaves " must supply free their own bullock carts and fuel, or milk, if they have milch cows. The barber " slaves " must light each day all the lamps in the palaces and officers' quarters and attend for torch-bearing at nights ; the potter must fetch water ; the carpenter must make

and mend ; the tailor must measure and cut ; the washerman must wash and rinse—in fact, each and every forced labourer or slave must perform his or her work without hope of reward or payment. The only incentive to work is the fear of flogging or of imprisonment in the event of non-performance of their “ duties.” No escape is possible. No other State will harbour them, and they are generally caught and sent back to the tender mercies of their own dear Prince. Nor is it altogether easy to migrate to British India. Besides, there is a great deal of unemployment in British India. Work is hard to find, and the cost of living is much higher. This is a harrowing tale. When that great and good man Mr. C. F. Andrews, moved by what he had heard, proceeded to Rajputana to investigate the facts for himself, he was prevented from entering the States, a fact which is very significant.

The following extracts from Regulation No. 78 relating to Forced Labour in the State of Bundi in 1922 speak for themselves :

1. “ Barbers shall continue as a matter of course usual free service :

- (a) To make lighting arrangements in the evenings at public offices.
- (b) To do the plastering and smearing of such offices with clay and cow dung.

2. “ Oil-makers shall continue to dig pits and spin hemp when necessary for State purposes, and they shall be given food in return.

7. “ Brewers shall continue to supply fuel and spin hemp under the same conditions as the oil-makers.

8. "Betel<sup>1</sup> sellers shall continue to supply screens and curtains under the same conditions as the oil-makers.

9. "Butchers shall continue to supply free of charge skins for drums belonging to temples.

10. "Bhils (Aborigines) shall continue to be sent on errands and deputed to keep watch, and shall be given food.

12. "Peasants shall continue to supply dry cow dung for fireplaces at public offices without any charge.

15. "For bullocks engaged in Bundi city on hire and bound for places outside the city, commission at the rate of one anna (1d.) in a rupee (1s. 6d.) shall continue to be charged by the State.

16. "Usual duty shall be continued to be levied on all persons staying for the night at public sarais or open spaces.

21. "For all labour done for State purposes food will be given, and for all work done for Public Servants wages will be paid, but such labour shall be done by the very same classes as have been doing it hereditarily, and if persons of these classes refuse to do their work they shall be properly punished."

A Commission of Inquiry, presided over by Mr. C. G. Chenix Trench, I.C.S., appointed by the Udaipur State in July 1923 to investigate the grievances of the peasants of Begoon Jagir, reported as follows :

"*Complaint No. 61.* Bolas, Bhils, and Balais, even if they have given up their calling, are compelled to build

<sup>1</sup> Betel—green chewing leaf.

roads and carry bedding of officials from one village to another without any payment."

"*Decision.* This burden is not on cultivators, but on Bhil, Bola, and Balais communities. When they are summoned on occasions of visits of High Officials they are given food. But if it is not customary to give them food, it shall be given in future. Every such labourer shall be paid daily wages of two annas (2d.) if he does not want to take food."

It is, *inter alia*, rather curious to notice the manner in which the Agents of the Government of India view this matter. In 1923 the Kotah Durbar, in the course of an address to the Agent to the Governor-General, gleefully announced that Begar (Forced Labour) had been abolished in the State of Kotah. But the Agent to the Governor-General could find nothing in this statement that was creditable to the State concerned, and found words to say in his reply something not altogether creditable to himself :

"It is not an institution that reduces people to the level of serfs. It is, on the contrary, only evidence that the right kind of relations exist between the Prince and his nobles and their raiyats (subjects). It is a service of affection rendered with spontaneity and willingness and received with kindness and benevolence. Even in British India *Begar* is not evidence of the wickedness of the system of administration. In olden days supplies of fodder and fuel and so forth were freely given to touring officers as a sign of affection and gratitude for protection and help in time of trouble. Abuses have no doubt crept in, and the system of administration has become less dependent on the personal factor, and the institution has

had to be curtailed. But I for one should be very sorry if it were completely abolished even in British India, and *I hope that it will long survive in the States.*"

That this system is not quite so harmless as this amiable Englishman indicates—but indeed positively pernicious—needs no emphasis on the basis of the foregoing facts. It is, however, typical of a class of British officials in our country who are steel within though painted as poles. But it should be instructive reading how the aggrieved themselves feel on this subject.

STATEMENTS MADE BY THE REPRESENTATIVES OF THE  
MALI COMMUNITY OF THE SAMBHAR LAKE TOWN  
ON 24TH APRIL, 1921, REGARDING FORCED AND UN-  
PAID LABOUR IN THE INDIAN STATES

A. "Our bullock pairs are commandeered for the gardens of the Jodhpur and Jaipur States and of the English (the Salt Department) in *begar*. Along with each pair of bullocks we have to send one man and one charas (leather bag for drawing out water from the well). The English pay annas twelve (one shilling) and the States annas four (fourpence) as the wages. We have to fetch water for every touring officer or clerk for as many days as he stays here, but no wages are paid to us. On the Gangaur and other festival days our women, while they sell vegetables in the market, are forcibly taken away by officials. Their vegetable baskets have to lie in the market uncared for. We are caught and made to erect mud fencing round the gardens without any wages. During the Gangaur Festival, and twice a year, our bullock pairs are taken to draw out water from the well, and no remuneration is paid. Thus we are subjected to forced and unpaid labour and assaulted with shoes. This has ruined us and destroyed

our cultivation. We pray public-spirited patriots to save us from these intolerable wrongs. We have made repeated representations to the States and the Rajputana Agency, but nobody hears.

*Signed :*

Nathu Mali.

Fanjoo.

*Thumb Impressions :*

Mangoo Mali.

Balu Patel.

Bija Mali.

Moti Mali.

Mahadeo.

Nandram Patel.

B. " The Mahajans (traders) are also *begar* in Sambhar. The people of this place are very miserable. There are three Governments here, viz. Jaipur, Jodhpur, and British. All the three treat us as aliens. Goods are forbidden to be imported here from outside (Jaipur and Jodhpur). This causes great damage to our trade and everything sells dearly. When the Jaipur and the Jodhpur States both levy their duties it is incomprehensible why imports from them should be prohibited. Whenever there is a marriage in the family of the Nazim (District Magistrate), or any other official (clerk), we have to refine sugar, and do the whole cooking for the occasion, but no wages are paid. Whenever an officer on tour visits Sambhar we have to carry our shops to his camp. Although the officers are in a position to make their purchases in the market they harass us thus wantonly. The loss caused by this practice is that a trader who otherwise earns Rs.2 (3/-) a day has to sit idle the whole day, and the articles purchased from him give him no benefit. Moreover, he has to sell things cheaper than the current rates. The cloth merchants have to lend wedding dresses to the officials, who return them soiled and spoiled,

and yet pay no compensation. If we refuse to lend we are beaten with shoes or placed in custody.

*Signed :*

Bhairon Lal (son of Shiva Bukhsji).

Mahjan Maheshwari.

Ram Swaroop Chaudhary Harkut.

C. "Kaloo, son of Chotoo Potter, resident of Sabhar, stated on oath that forced and unpaid labour is extorted from the potters (Khumbhars), from the Nazim (District Magistrate) down to the pettiest sepoy. To them we have to supply earthen pitchers free of charges.

"Failure to supply is punished with shoes or with custody. If we have only 24 pitchers to supply in a demand of 25, the Jamadar breaks into pieces all the pitchers with a club and beats us with shoes, and we have to supply him with a fresh set of 25 pitchers.

"We are forced to supply to the officials clay which we bring on the backs of our donkeys. No wages are paid to us. We have thus to suffer a loss of Rs.10 (15/-) monthly for each family.

"We wish *begar* were abolished soon. It should be ordained that, like all townsmen, the officials should also pay to us the rate of 0/1/6 (1½d.) per pitcher, 0/0/6 per jar, 0/2/- (2d.) per ghara, and 0/4/0 (4d.) per large pitcher. Then only can we get relief.

*Signed :*

Rugha Potter."

*Thumb Impressions :*

Kaloo.

Chotoo.

The Princes claim to be independent sovereigns, and any intervention is regarded as an encroachment upon their rights. Interferences by the British Government are few and far between. Yet if an Englishman or any

European is insulted or assaulted in an Indian State the British Government do intervene and compel the Prince concerned to make suitable amends and grant compensation. Surely then intervention is called for in such flagrantly insulting practices and such "habitual denials of justice" as are practised in the systems of Slavery and Forced Labour in the Indian States.

But the Butler Committee have pointed out in unmistakable terms that the British Government, as the Paramount Power, has the right to intervene in the internal administration of the Indian States, *to enforce international obligations*. They say in paragraph 46 :

"For international purposes State Territory is in the same position as British Territory, and State Subjects are in the same position as British Subjects. The rights and duties thus assumed by the Paramount Power carry with them other consequential rights and duties. Foreign States will hold the Paramount Power responsible if an international obligation is broken by an Indian State."

And again in paragraph 53 :

"Similarly it will intervene to suppress barbarous practices, such as Suti or infanticide, or to suppress torture and barbarous punishment."

Surely Slavery and Forced Labour as just described are "barbarous practices," and the British Government has here, if anywhere, the right and justification to intervene and get them rooted out both in spirit and in letter.



## CHAPTER VI

### TAXATION

IT is essential to notice at the outset that Taxation in the Indian States is not regulated by the requirements of State Administration. Nor can it be regarded in terms of payment by the people in return for services rendered to them by the State. Its rationale could be neither explained nor justified, though to attempt to do so would be unnecessary, for the Prince is under no obligation to justify or explain them. He is an autocrat, who can impose his will on the people in this as in other matters.

The principal source of taxation in the States is land. Taxes are *supposed* to arise out of the occupation of land for cultivation and to be a part of the Land Revenue.

These Land Taxes are paid, some in cash and some in kind. In addition to the Land Tax there are countless other taxes, and these vary enormously in different States.

The taxes<sup>1</sup> as they obtain in the State of Nawanagar give a fairly accurate idea of taxes common to all States, as also the special taxes varying in particular States. The first list comprises taxes on professions and on persons, such as labourers and artisans, on cattle, on betrothals, marriages, births, deaths, and funerals. It is to be noticed that there are also taxes on such small concerns as the hand-grinding mills of widows which provide the sole means of subsistence of these poor

<sup>1</sup> See Appendix C.

women. As regards the larger taxes, some, it will be noticed, are supposed to be Municipal cesses and tolls, and some are in the nature of import and export duties. But one fact of universal application may be noted, and that is that there is absolutely no logical principle governing their imposition, and that they depend entirely upon the will of the Prince to demand and the capacity of the people to pay. The people's "capacity to pay" may be exploited almost to starvation point, for the Prince's power to enforce his demands is absolutely unlimited. You will notice that with the exception of Customs Duties nearly all come under the head of "Direct Taxation." But there are also many means of Indirect Taxation. These include the issuing of licences for selling commodities such as tobacco, drugs, and intoxicating liquors, and the granting of monopolies in respect of particular trades and industries.

In the particular list under consideration it will be seen that H.H. The Maharajah Ranjitsinhji of Jamnagar, known in this country as "Prince Ranji" of cricket fame, has granted recently monopolies for selling goods, such as matches and cigarettes, petrol and kerosine oil. In each case the monopoly has been granted in consideration of a sum of from £5,000 to about £10,000.

To return to the Land Tax, in some cases this tax is levied in cash and in other cases in kind. The system involves innumerable details, such as the classification of land and the variety of crops, whether wet or dry. It also involves a number of other considerations, but in the case of payments in cash this tax is imposed in the proportion of four shillings per acre, if in kind, one-fourth of the crops.

In practice, however, the rate increases. Including a number of cesses, the State's share works out at about

40 per cent. All other taxes that the cultivator must pay, such as are referred to in Appendix C under taxes on persons, labourers, on village artisans, on cattle, and on charities, amount at a very modest estimate to about 10 per cent. So that only 50 per cent is left to the cultivator. And out of this 50 per cent he has to pay for his seed, manure, agricultural implements and labour, which includes ploughing, sowing, cutting, gathering and harvesting his crops. In addition it will be generally found that the disproportionate demands on his slender resources have driven him into debt to the professional money-lender as well as to the State itself. He must also help to defray the costs of a Chief's marriage, or of the marriage of a member of the Chief's family, and pay toll on the birth of a son to the Chief, and on such ceremonies as the funeral of a Chief's wife or mother.

There is pretty certain to be at least one such ceremony every third or fourth year. Often there may be more. Now, after paying all these outside expenses out of his 50 per cent, how much will be left over for the farmer's own private maintenance and that of his wife and family?

In such circumstances provision against sickness, savings against old age, and the education of his children are luxuries which the farmer can ill afford. Thus the farmer is forced to live under the perpetual blight of excessive taxation. If in spite of the ravages of nature he is fortunate enough to save something for his family, the petty revenue and police officers are always at hand to take it away.

And yet one often hears it said again and again that the subjects of the States pay far less than the British Indian taxpayer. That this is a palpable fiction sedulously propagated is perfectly plain. The people who say this

get their information from the spoken word of the Princes, or at best from Administration Reports which contain no details and are in no way verifiable. But even assuming the truth of what they assert, the people who make this statement should bear in mind that in British India, as a return for taxes levied and paid, services are rendered and responsibilities admitted.

What does the subject of an Indian State get in return for the enormous taxes he is forced to pay? The so-called "protection" of the police, perhaps. This "Police Protection," as we shall see later, in practice works upon the people as a machine of grinding oppression.

It may be repeated that there is no liability admitted for taxes levied. Even the provision of clean drinking water is not admitted as a liability. In many villages in the States this common daily necessity is an unprocurable luxury.

In hundreds of villages in Rajputana and Marwar during the hot weather women have to trudge from two to four miles through burning sand in order to draw water from wells from fifty to a hundred feet deep. Then they must walk those weary miles home again, carrying upon their heads heavy pitchers filled with this luxury.

This accounts for the fact that several villages have become depopulated, the people having migrated to British India. In the face of this cruel indifference with regard to the provision of the most elementary necessity of human life, is it any wonder that *comparative* luxuries, such as education, sanitation, medical relief, or in fact anything at all progressive, are deliberately and ruthlessly withheld? That is the logical result of this grinding system of taxation under which millions of peasants in the Indian States are groaning to-day. This indeed is what interested people mean when they refer to the

“personal attachment and devoted loyalty of the Eastern people to their divine Prince.”

That there is something definitely faulty about the incidence of Taxation and the methods of Tax Collection is more than merely suspected by the British Indian Government. The hint tactfully conveyed by Lord Irwin in his Note to the Princes is worthy of attention :

“The fundamental principle of any Government stated in 1 implies that the Government must follow definite principles in

A. Collection of Revenue from its subjects.

B. The Expenditure of Revenue so collected.

1. Taxation should be as light as possible. Taxes should be easy of collection, otherwise the annoyance caused to the taxpayer is out of proportion to the benefit to the State.
2. The taxpayer should be able to forecast his liability.
3. Taxes should be proportionate to the means of the taxpayer to pay.”

Comment is needless. Enough has been said to show that the taxes are *not* proportionate to the means of the taxpayer to pay. As to being “easy of collection,” the cultivator has to wait not only weeks, but months, guarding his produce in the grain-yard until the collector or his subordinate in the course of his itinerary comes to measure or weigh the produce and remove the share of the State. The difficulties and anxiety caused thereby can be easily imagined.

As for the incidence, it is enough to say that the farmer has as a rule scarcely £3 worth of worldly goods.

## CHAPTER VII

### LAND TENURES

**T**HEORETICALLY all lands belong to the State. This fact has to be conceded, since the Princes cannot successfully contend that they are in any legal sense the proprietary landlords or private owners.

There are several classes of tenures. We may note here only a few of the more important, with their incidences and regulations.

Tenancies of agricultural land belong absolutely to the States. These can be subdivided into two classes :

- (a) Holdings which are of a semi-permanent nature with hereditary and transferable rights of occupancy.
- (b) Holdings which are tenancies at will.

With regard to incidence, this class of tenancy is held subject to the payment of Land Revenue. This is the same thing as a permanent Land Tax, whether in cash or in kind, and the terms of tenancy can be revised at stated intervals of from ten to thirty years. Ordinarily the tenant is not liable to ejection from his holding except for default of payment of assessment. In some cases his lands can be inherited by any heir, according to the laws of succession applicable to that particular case. In other cases the property is heritable only by direct male descent.

This, theoretically, is the manner in which tenures are received and guaranteed by the State ; in practice, however, there is no such thing as guaranteed security of heritable property.

In some of the States of Kathiawad permanent rights of tenancy were granted to tenants-at-will in consideration of an exorbitant amount of money, paid in a lump sum. The great advantage of the permanent tenancy over the tenancy-at-will is obvious. The permanent tenant naturally regards the land as his own and throws his whole heart into schemes for its improvement. Some of the Princes, as soon as they realise that the tenant is deriving a good income from the land he has thus improved by his own exertions, demand large sums of money from him on various pretexts. Indeed, any pretext is deemed good enough. The Prince wants the money, and he must have it. Therefore he can at his own royal will turn the permanent tenancy once more into a tenancy-at-will, or, if he prefers, summarily eject the " permanent " landlord. Having done so, the Prince can sell the land all over again to a new tenant. Naturally, the premiums offered for such improved lands are large, and the Prince's capacity to spend is unlimited with Europe beckoning to him. It matters little that his people starve.

In Kathiawad this kind of summary dealing with the tenant goes on in nearly all the petty States belonging to the " Non-Salute " class. Lord Reading when, as Viceroy and Governor-General in India, he visited Kathiawad, made emphatic reference to the disastrous nature of this policy. In his speech at Rajkot he warned the States of the impending ruin that such a method of administration spelt, and emphasised the importance of permanent security of tenures.

Seven years have elapsed and not one State has cared

to adopt this advice. On the contrary, the policy of ejection, with a view to obtaining larger premiums, continues as uninterruptedly as ever. And the Political Agent, far from preventing or discouraging this course, actually encourages it by refusing to hear the complaints of ejected tenants, and by merely sitting and looking on, with folded hands, while this intolerable oppression is being perpetrated, with the result that the best tenants, those men whose abilities and energies are a real asset to the State, are leaving their ancestral lands and settling down elsewhere. The tenants-at-will are in a far worse position, they live under constant terror of ejection.

There is another class of tenure which comprises land held, or virtually owned, by the Jagirdars and other privileged land-holding classes. These people are younger sons or cadets of the Chief's families in those States in which the law of primogeniture prevails, and their lands and villages are granted to them in lieu of their rights of maintenance. These cadets are called in Rajputana and Central Indian States "Jagirdars," "Thakurs," and "Sardars." In Kathiawad and Western Indian States they are called "Mulgirassias" and "Bhayats."

In Rajputana their "Jagirs" are very large, consisting sometimes of fifty or even a hundred villages, with small populations ranging from fifty to five hundred souls. Some of these cadets are also invested with magisterial powers. They are in their own way despots in their little principalities, and under the irksome and intolerable rule of these petty tyrants the people live in a condition that is not much removed from slavery. It is here, as in other larger States in Rajputana, that a kind of domestic slavery, virtually admitted in Parliament by Earl Winton, still prevails without any sign of abatement. And this in spite of repeated exhortations on the part of the



Government of India, advising the total abolition of a system of such unmitigated barbarity.

The Bhayats in Kathiawad are cadets also of Chiefs in whose States the law of primogeniture prevails. Their lands are given to them in appanage and are guaranteed by decrees of the British Government. They are under certain obligations to the Chief, as for instance the payment of a share of the cost of administration of the State, and also of specified rates and taxes. The Mulgirassias, before their conquest by the ancestors of the present ruling line, were the original proprietors of the villages. Their lands are also protected and privileged, and they, like the Bhayats in Kathiawad, are under certain obligation to their Chief.

All these privileged classes are protected in their own rights, and immunity from molestation on the part of the ruling Princes is guaranteed to them by a series of solemn decrees and definite undertakings, sworn and given by the Princes in their Treaties and by written promises from the British Government.

Yet in spite of all this, innumerable encroachments are made on the rights of these people. The lands of hundreds of them are kept under long and sometimes perpetual confiscation, for the most ludicrous reasons and under the most frivolous pretexts. Under the existing conditions their incomes are bound to be swallowed up in the expenses of management. Heavy debts therefore accumulate, until eventually they are forced to sell their estates to the Princes and move off elsewhere !

No legal redress is either available or possible.

The Archives of the Political Department of the Government of India and of a number of Provincial Governments are crammed with thousands of complaints

against these violations of rights, but most of the complaints are summarily rejected in pursuance of the thrice-sacred policy of Non-Intervention, more and more scrupulously adopted and followed since the War. The injustice and doubtful expediency of such a policy, as indeed being the prime cause of the many evils that have accumulated, have been emphasised over and over again.

Yet another class of tenure consists of State lands alienated by way of charitable endowments to Hindu and Mahommedan religious institutions. Legally these are resumable by the State, but morally the gifts are irrevocable. The early ancestors of the present Chief would not have dreamt of revoking such a gift, as it was considered an act of the greatest impiety and irreverence to recall gifts to charities in the name of religion. But as the apostles of modern materialism, that scoffs at religion and finds in faith no more than unmeaning superstition, our noble Princes have revoked one by one the grants given in the name of charity and religion by their illustrious forefathers, and yet they claim to be the "direct descendants" of Rama and Harischandra—of Rama, the incarnation of all that was just and sacred, and of Harischandra, the embodiment of truth.

## CHAPTER VIII

### LEGISLATION

**I**N the modern conception of Government the nature and extent of legislation, both in its origin and in its application, are the determining factors of the merits and *dangers* of its system of administration. Legislation in the Indian States in its modern specialised connotation of being the articulate expression of its intelligent population is altogether non-existent. More often than not the legislative and executive functions are centred in a single despot who has and knows he has "Law in his voice and fortune in his hands."

With the exception of Mysore, Travancore, and Cochin there is practically no State in which the representatives of the people have any effective voice or indeed any voice at all in the matter of legislation. Laws are issued in the form of orders, decrees, or firmans either by the Prince or by action taken under his instructions. They have no broader foundation than the mere caprice of the ruling Prince. In some States British Indian legislation is adopted with such modification as the Prince pleases, but these so-called laws are in no way binding on the Prince. He can repeal, amend, and suspend them at his will and pleasure, and deprive any man of his liberty, commit him to prison for an indefinite period, and banish him from his birthplace at will without reason, charge, or trial. He can confiscate anybody's property, withdraw cases pending in courts, and pass such orders as he likes,

regardless of the law. A subject cannot sue the Prince or his officials in the Courts for breach of contract or infringement of their rights. If an official, however low, commits a criminal offence in his private capacity, and even if the act constituting the offence is not in any way connected with his duty as an official, he cannot be prosecuted without the Chief's sanction. Even if there is no definite law prohibiting public meetings, the publication of newspapers or the forming of associations, no public meeting, even of a social nature, can be held, no newspaper can be started, no association formed without the Chief's sanction previously obtained. If these are held, started, or formed the police can at any time step in and interfere. Against the police there is no remedy !

With the exception of States Mysore, Travancore, and Cochin and two or three other States, there are no really representative assemblies in any State. Some go through the farce of summoning a few submissive individuals to annual Durbars, where the Prince or the Diwan makes a well-prepared speech containing a number of statements of things accomplished and about to be accomplished. But these things can never be verified. A recital of revenue and expenditure is applauded without being understood, and the State machinery grinds on until the next annual Durbar meets, and the same farce is gone through again. This is the only representative assembly that most States know. Other Princes more honest, if less scrupulous, have no use for an institution of this kind which might at any moment breed mischief, and their representative assemblies exist only on paper. H.H. The Maharajah Jam Sahib, in his speech delivered at the banquet given to Lord Irwin, said : " We have moved with the times ; we have established an advisory council." Had Lord Irwin demanded to see the consti-

tution and the powers of the council and its proceedings, there would have been nothing to show him. In fact, nine years before this speech was made the assembly was announced; but it died the day on which it was born, and has certainly showed no signs of resurrection.

There is another instance. On the 15th and 16th April, 1929, the last so-called Bikaner Representative Assembly is reported to have met. In the space of two days it transacted all the business of the year, discussed and passed the budget, several laws and resolutions, and answered all questions. Out of a total revenue of £1,000,000 the Assembly provided £15,000 for education, £12,000 for medical relief, and £2000 for works of public utility. The entire provision for works of public utility amounted to 3·6 per cent of the total revenues. As against this the sum of £100,000 was provided for the palace, £6000 for preliminaries of a Prince's marriage, £20,000 for "Bikaner House" at Delhi, £50,000 for the purpose of building an extension to another palace, and £170,000 for the maintenance of the Maharajah and his family. Now all these figures amount to 22·6 per cent of the total revenues of the State. The amount of interest shown in these deliberations is illustrated by the fact that only twenty-three out of forty-five members attended the Assembly.<sup>1</sup>

It should be easy enough to prove that almost every representative assembly, wherever it is alleged to exist, is of this type and that they are merely spurious shows arranged for the benefit of Viceregal visitors.

The Butler Committee, in paragraph 15 of their Report, say the same thing in rather more polite and dignified language: "Of one hundred and eight Princes in Class I, thirty have established legislative councils,

<sup>1</sup> See proceedings of Bikaner Assembly.

most of which are at present of a consultative nature only.”

And, indeed, among the thirty are included deliberative bodies of the kind described in the State of Jamnagar. That is to say, many of these “Assemblies” exist only on paper.

## CHAPTER IX

### PUBLIC SERVICES

**I**N a State of the kind we have been describing, directed by the caprice of the Prince, and legislated for by an assembly of annual loyalists anxious to register the decrees of an irresponsible executive whose statements they cannot question or whose figures they may not doubt, the very fountain-head of administration is polluted, if not poisoned. It is easy to understand why in such a State the public services can neither be "public" nor "services." Like a stream polluted at the source, they can serve no healthy purpose until the contamination is removed.

There is absolutely no settled or intelligent system of recruitment for the public services. The "Diwan" or Prime Minister is generally appointed on some recommendation, without proper and full inquiry into his education, experience, or abilities. No educational qualification or experience in administration is thought necessary! Sometimes the suggested Diwan had been a tutor of the Prince in the latter's school days.

Sometimes a Prime Minister may be appointed because he is a favourite of the Political Agent or Resident. Sometimes he may be a retired Government official who, having passed his term of useful activity, is capable only of signing papers and defending the Prince when necessary. It is in rare cases that a really competent, resource-

ful, energetic, upright, independent, and conscientious man is chosen. Such a man if appointed cannot continue long, as he finds it difficult to support the Prince in his arbitrary ways, his dissolute habits, and his reckless extravagance.

The Prime Minister thus selected is in most cases an outsider who is not an inhabitant or a subject of the State and has no natural feeling for, or interest in, the welfare of the people. His principal aim is to consolidate his own position. This he does by fulsome flattery of the Prince, whose every vagary he cleverly extols as a virtue. He next proceeds to fill up all important and influential posts with his own relatives and personal friends. Even such measures as these do not always guarantee to the Prime Minister any certainty of continuance in office. Palace intrigues may deprive him of his office. He excites the jealousy of a number of persons, and he knows well how capricious is the favour of the Prince, who may at any moment remove him in favour of another man.

Sometimes the Diwan's blind support of the Prince in his indefensible career brings a reproach from the Political Officer. Then, as a sop to public opinion, the reigning Prime Minister is removed and another favourite is put in his place. Thus the position is in every way precarious, and the whole attention of the Diwan is concentrated on making hay while his own particular sun is shining. The result is that in such circumstances he has to adopt the usual methods of a servile flatterer. He gives the Prince full power and sanction to spend vast sums of money on luxury and display, and hardly ever attempts to prevent His Highness from leading a life of unbridled vice and self-indulgence.

He helps to alienate the Prince from his people by



every means in his power. Access of the people to their Prince is prevented, and thus the people and their lawful sovereign tend to become strangers to one another.

He must also keep the Political Officers in a good humour by all the arts of subtle flattery. He presents them with motor-cars, gives dinner-parties in their honour, and arranges "Shikar" for them. Whether the Political Officers see through this game and merely wink at it, or whether they are honestly ignorant of the underlying motive, is a matter for conjecture. Yet, human nature being what it is, the truth is just as likely to be found in the former as in the latter explanation of such all-too-ready acceptance of the lavish attentions of the Diwan.

Having thus fortified himself with these expedients, the Diwan next starts to exploit the resources of the State for his own personal gain by a number of clever devices.

He evolves grand constructive schemes for building, ostensibly for the benefit of the State, but secretly manages to place the contracts with his own private friends and sycophants. He matures other plans for improving trade in his State, but sees to it that the profits go to his friends. It does not in the least worry him that hundreds of poor widows whose sole means of subsistence were the working of small hand-mills are deprived of their employment and are in many cases reduced to starvation, all because of his granting to a friend a monopoly to work a mechanically driven grinding mill.

He starts factories without taking into consideration their workability or the ability of the State to finance them, because his real purpose in doing so is merely to benefit his own family and friends. The development

and working of healthy industries for the good of the State are not included in his schemes.

No system of audit or accounts is a check in his career, for he knows that every important post of this sort is occupied by his own men. Meantime the subordinates are not idle. They follow the example of their illustrious superior. The revenue subordinates adopt all sorts of terrorising methods in their dealings with the villagers, threatening them with ejection from their homes or with confiscation of their property.

Much the same can be said of the police and their petty subordinates. Theirs is a lesser domain, but they make the most of it. If any villager is not amenable to police pressure, what is more easy than to concoct a false charge against him and hand the poor creature over to a magistrate who is himself far too much afraid of the police to be able to acquit the accused, even though convinced of the latter's innocence ?

As to witnesses, it is just as easy to procure these as it is to concoct a charge. No one dares to say a word in favour of the accused. Serious trouble might be the result. The accused, then, often an innocent man, is sent to jail or heavily fined, and the petty police official, having shown his power by one or two such examples in each village, completely establishes himself as a little tyrant and is able to extort as much money as the poor villagers can afford. The honour of women is not spared. The villagers are poor and mostly illiterate, and by long continued oppression are so demoralised that they rarely dare to complain. Their souls are crushed, and they are reduced to the condition of dumb driven cattle. If, however, the oppression becomes intolerable, as it sometimes does, and they venture to complain, what is the result ? The forces and influence of the superior

officer and his subordinates form an impassable barrier. If the villager with great difficulty manages to approach the Prince in the rôle of complainant, he finds himself surrounded by the very persons against whom he seeks redress, and the Prince is fully prejudiced against him. The Prince has neither time nor patience to give him a full hearing, and the villager has hardly begun his story when the official concerned interrupts him and gives a false colour to the whole matter. The Prince summarily dismisses the complaint, with a stern warning to the villager that if he dares to complain again he will be banished or sent to prison.

It is easy therefore to realise that the prestige of the meanest official, even of a man drawing one shilling a week, is dearer to the Prime Minister than the liberty, reputation, and happiness of the people who pay the Prince and work hard all their lives for him. Everyone, from the Prime Minister downwards, is interested in defending his subordinate, who in each case is the tool of the superior official. The villagers, knowing all this, rarely care to approach the Prince. The Prince thus knows very little of what is going on in the villages. He is told that the man who made the complaint was a rogue and a grumbler, and that all the other people are happy and contented.

If the illiterate villager manages to get a public-spirited, educated person to intercede in his behalf, he only adds to his own trouble, and in addition brings his benefactor into disrepute. The latter becomes a marked man. He is always spied upon and shadowed. If such a man drafts a petition for a villager, the Prime Minister hears of it and prejudices the Prince against him in time, so that as a result the petitioner is denied access or, if admitted, he is warned that he must desist from prose-

cutting on pain of summary deportation for spreading "disaffection."

Except in a very few large States, the Diwan or Prime Minister receives on an average about £800 a year. The Revenue Officer gets about £120, the Chief of Police about £100, the Judges from £100 to £200, while the pay of the subordinate averages only from £10 to £25 a year. Obviously the temptation to bribery and corruption is very great. This absurd rate of pay can offer no inducement to honest capable men. Those who accept it do so with the full intention of serving their own interests and "making up" in other ways. In every case they expect to make their pile and escape with their booty before disaster overtakes them.

With a few exceptions such a state of affairs prevails in all States. Can it possibly be otherwise where there is unlimited personal power with a sense of responsibility that is next to nil, and where public opinion has absolutely no chance to express itself?

These are the conditions prevailing in first class States. In the smaller States things are a *hundred times worse*. Here the story would be too shocking and too unpleasant to tell. The British Indian Press can have no access to these details, and even if brought to light the said details are suppressed under the Princes' Protection Act. The Press is thus muzzled, thanks to the undue solicitude of the Government of India. Even the free Press of this country, which always contrives to find space for anything funny or sensational about the Princes, rejects on one pretext or another communications on the subject of their arbitrary rule. And yet who that has a mind to know and a heart to feel will believe the pretentious and pompous falsehoods of these purblind potentates with regard to "*the happiness and contentment*" of their

people? Does anyone enjoy being starved, tortured, and trodden underfoot? Is an ill-treated dumb animal "contented" because he has no power to voice his suffering? Even as speech has been denied to the dumb animals, so is all articulate expression of feelings and opinions denied to the people of the States.

## CHAPTER X

### THE PRINCE IN HIS OFFICE

LET us now glance at the Prince when inside his office engaged in the discharge of his duties as Ruler of the State. In so doing we must bear in mind that directly the Prince comes into power he is surrounded by a swarm of sycophantic courtiers whose supreme aim is that of securing for themselves all possible power and advancement. They are clever enough to trade on the Prince's indolence and lack of interest in matters unconnected with his own personal pleasure and entertainment. They confirm the young Maharajah in his belief that he is a super-being whose judgments are infallible.

Concerned with nothing beyond their own advancement, they contrive to prevent the people from approaching their rightful Ruler with requests for the redress of wrongs. To close the Prince's eyes to all signs of the discontent resulting in bitter distress and unfair oppression is their steady if undeclared policy. To this end they take care that all responsible positions are filled by their own friends and that any educated public-spirited citizen who tries to get a hearing in the cause of the helpless and distressed is immediately denounced in the eyes of the Prince as a source of mischief and danger. The Prince readily falls in with this view and the "Agitator" is put down like the plague.

Of all this crew the Private Secretary of the Prince is probably the cleverest. As regards letters, this Private

Secretary soon gets to know whose communications would be unsuitable, and hands to the Prince only such letters as are considered completely harmless. As to newspapers, nationalist and popular papers are banned at the Court. A few Anglo-Indian papers are received, but if the Prince insists on reading for himself you will find that he has always been fully prejudiced against anyone writing or publishing anything, except what would fit in with the ideas of the courtiers. Such is also the case in respect of private letters opened by the Prince himself. As a general rule, however, one finds that the Prince is too indolent to trouble himself over matters that do not amuse or please him, and gladly leaves the question of newspapers and correspondence generally to his wily Private Secretary, and cases occur in which the writer of any unpalatable truth has been openly harassed by Court circles until his confidence in the Prince has completely disappeared. Nothing serious is ever allowed to reach the ears of the Prince, and if any such matter reaches him it is explained away to him in a manner that makes him believe that it is all of no consequence.

The Princes, when at home in their States, attend their offices for an hour or two each day. No large question of policy, domestic or foreign, ever worries the delicate fabric of their minds. They sign papers for the most part. The Prime Minister produces the papers and the Prince signs them mechanically, without, as a rule, having the least idea of what the papers are about. Occasionally, however, it may happen that the meaning of something he has signed may be explained to him later on. In this connection it is worth while referring to an amusing incident that has come to the knowledge of the present writer. The story concerns the Chief Medical Officer of a first class State.

This Medical Officer had the misfortune to incur the displeasure of the Prime Minister. Promptly, therefore, the Medical Officer, who had grown grey in the service, received a notice of dismissal. This notice was served on him in the normal manner and bore the signature of the Prince. He left the service and started a private practice elsewhere. Two years later accident brought the Prince and this doctor together at a railway station, and the Prince, recognising him, asked him why he was there. The doctor replied that he had settled in private practice, as His Highness had dismissed him from his former post as Medical Officer. His Highness, looking bewildered, replied that he had done no such thing, but the doctor pointed out that the notice had indeed borne the personal signature of His Highness. His Highness replied that his signature must have been obtained without his knowledge, and presented the doctor with a second order, there and then reinstating him in his former office. The doctor, however, declined the kind offer with due apologies. Naturally he did not care to place himself again at the mercy of such accidents in the matter of signatures. Besides, what guarantee had he that His Highness would not find the signature of the present order a mistake also and in that case the next step might be prosecution for making use of a false document ?

Such things often happen. How can it be otherwise ? Since all the power is centred in the hands of the Prince, he naturally has hundreds of papers to sign each day, and within half an hour, or at the most an hour, he must get through the whole lot. Obviously he cannot have time to read them all ; but the Prime Minister, who in these respects is a very clever man, has read them, and he has decided beforehand what the Prince must sign without overstraining the interest and concentration of His High-



ness with such troublesome details as the *nature* of the orders awaiting the Royal signature. When this routine of signing the papers has been completed, applicants and petitioners are called in to present their applications and petitions. There is always quite a crowd of people waiting to get in, and an early entry is secured by greasing the palm of the sentry at the door. Then one by one the petitioners are ushered into the Royal presence.

The petitioner, in most cases an illiterate person, has had his petition put into writing by a learned gentleman, probably one of the parasites or dependents of the Prime Minister. This learned gentleman informs the official against whom the petition has been prepared of all that is afoot. This official contrives to be present, on some pretext or another. The petition is then hurriedly read aloud by a clerk, or else the petitioner himself is asked to state his case. While he does so he is naturally nervous and afraid, for the person he complains against is listening to him and, before the petitioner has fairly stated his case this person, well primed beforehand, breaks in, and putting quite a different complexion on the whole matter, explains away the entire affair. The Prince, accepting this explanation, dismisses the petition without further inquiry, or with a brief promise that "inquiries will be made." The petitioner then bows to His Highness and withdraws. Another petitioner then takes his place and the same process is repeated with similar results. This goes on for an hour or two, until His Highness, wearying of an endless series of petitioners, goes back to his Palace and the clerk takes the petition papers to his office.

There these papers lie until such time as the office people concerned refer them to the various departments for inquiry and report. The heads of these departments, in their turn, refer the papers to their subordinates, and

after passing and re-passing through a variety of hands the petition comes back variously endorsed. If there is no explanation for the delay, or if the explanation is unsatisfactory, the head clerks of the departments through which the petition has strayed, following their usual policy of supporting their subordinates, suppress the papers as long as they please. There is no way of compelling them to hasten the forwarding of the said papers. The petitioner, after waiting for the regulation period of three months, goes back to the court to complain that his petition has had no answer. By that time His Highness has probably gone to a hill station, or to Bombay for the races, or on a tour to Europe.

The petitioner, after waiting until His Highness returns, presents himself at the court once more. This time he is told to submit another written petition. He does so, and the same process is repeated. The petition is sent for "inquiry and report" and is again lost in the department concerned. A third petition is probably prepared, and the same tale is repeated through an endless succession of dreary chapters.

It is all so entirely futile that as a general rule people prefer to suffer in silence. This silence, as I have mentioned before, is represented conveniently by the Prime Minister as a sign of the "Happiness and Contentment" of the people. The Press and the amazing credulity of the British people do the rest. Hence a situation, age-long perhaps, but regarded by the people of the States in these days as unbearable and insupportable.

## CHAPTER XI

### THE JUDICIARY AND THE POLICE

OF the Judiciary in the States not much can be said that is complimentary. It can scarcely be called a Judicial system. It is at best a mere arrangement to carry on what is known as Judicial Business.

Since there is no representative legislature, the Courts of Justice are not established by law, but are mere subordinate departments of the Executive for the exercise of that particular part of the absolute power of the Prince.

The Prince in his own person represents the sole Executive, Legislative, and Judicial systems, and all heads of Departments exercise such powers as are delegated to them by the Prince, merely as a matter of convenience for the transaction of his business as an Absolute Ruler.

Thus the courts derive their power not from law but from the orders of the Prince. As such, these powers can be limited or even withdrawn by his orders at any moment.

In fact, the Laws are nothing but arbitrary orders of the Prince. Occasionally a British Indian Law is adopted, but since neither the Prince nor his Prime Minister has time or inclination to study the progress of legislation in British India, that particular branch of law is allowed to remain minus the subsequent accretions to it in the matter of amendments through the action of representative

legislatives. This is true particularly of many hundreds of the smaller States.

The highest Court of Appeal is known by different names in different States, "The High Courts" or the "Huzur Courts," meaning the Court of His Highness or "The Chief Courts." There are others, but these three are the most representative.

Next in importance are the District or Sessions Courts, with powers to hear original Civil suits involving unlimited amounts and to try serious crimes. To the subordinate courts these District or Sessions Courts are also Courts of Appeal, and exercise jurisdiction in Divorce, Bankruptcy, and Chancery proceedings.

Lower down in the scale are the Subordinate Civil Courts, with powers to hear law-suits up to a limited amount and to deal with the lesser offences.

There are, also, the Magisterial Courts, with varying powers to pass sentences of from fifteen days' to seven years' duration, and to impose fines from £3 up to any amount.

There is besides a series of courts the special functions of which are to deal with matters relating to land and succession, rights and liabilities of privileged landholders, and other ordinary tenants, with alienees, and cases arising out of the administration of revenue.

In every case it is important to remember at the outset that there is no law except the Prince's will. And as for the Laws, such as they are, the Prince can withdraw, suspend, or stay any pending cause at any time and for any personal reason, regardless of the merits of the case.

In criminal cases Trial by Jury is unknown except in about ten States.

No subject has a right to seek redress for infringement

of his rights by the Prince, the Prime Minister, or State. The Prince can arbitrarily order the confiscation or forfeiture of the rights or property of any subject. He may impose fines to any amount, and may adopt every conceivable means of extorting payment. He can throw anyone into prison for an indefinite period without charge or trial. He can deport or banish from his native land any subject at any time. He can forbid the holding of meetings, suppress printed and published matter, and stop the opening of even private schools. In a word, he can pass any order he chooses, no matter how detrimental to the rights and liberties of his subjects, and with regard to these orders there is no superior authority to which they can appeal.

In these so-called Courts of Justice no subject may bring a charge against a State Official, either for an offence committed in the course of his Official Duty or in the course of his private life. Even the village schoolmaster and the policeman earning the magnificent salary of three or four shillings a week are State Officials and as such are immune from prosecution. These persons may commit thefts and personal assaults and no action may be taken against them without the permission of the Prince. This permission may be refused without reason.

The selection of these Judicial Officers is another interesting factor to note in the administration of a State. The District and Sessions Judges on their appointment are in most cases qualified men, but as a rule they are without much experience, either on the Bench or at the Bar. The subordinate judges and the magistrates are also not entirely unsuited to their offices.

Some of them are Law graduates of Indian Universities. The Law graduates are, however, for the most part inexperienced men without any practice at the Bar,

and indeed without judicial experience of any kind or description.

In certain States the Prince as a rule presides over his own High Court, while in other States this office falls to the Prime Minister or to the judicial assistants. The judgment of the court is, however, the judgment of the Prince. The Prince has little or no knowledge of even the most elementary principles of law. Such knowledge is not considered an essential part of his educational equipment, and yet he is supposed to be qualified to decide the most intricate questions of law and fact over the heads of men who have had years of legal training.

As to the Prime Minister, we have already seen that more often than not he has started his career as a school-master, or as a member of some other calling unlikely to fit him for his exalted post. He is not necessarily required to have any knowledge of the law, or any experience in the administration of justice, and yet it often happens that he presides over a "High" or "Chief" Court.

No fixed principle is therefore followed in the selection of members for the Judicial Service.

In the majority of cases they are chosen because they are relatives, friends, or dependents of the Prime Minister or of other State favourites. Sometimes, again, they are selected by reason of some recommendation offered by the Political Officer or by some other person who has influence with the Prince.

The salaries of Judges of the High Court average from £1500 to £2000 a year in States with a salute of twenty-one guns. These are only five in number. In the five States with a salute of nineteen guns, and in the thirteen States with a salute of seventeen guns, the salaries of the Judges average from £500 to £1000 a year. In all the remaining hundreds of States with as absolute a power

over the lives, liberties, and properties of their subjects as the first twenty-three States the salaries of Judges of the highest courts never exceed £400 a year. In the larger States of these remaining hundreds the District and Sessions Judges get about £400 a year, and in smaller States these Judges get from £200 to £300 a year. The subordinate judges and magistrates get from £100 to £150, although there are in several of the Kathiawad States several subordinate judges and magistrates who are invested with power to pass sentences of seven years' imprisonment at the meagre salary of from £75 to £100 a year. Naturally it is not possible to expect to get the right and the best type of men at these low salaries. Their continuance in office depending upon the sweet will and pleasure of the Prince, it follows that they cannot choose, but make it the only condition of their service that they should bow down to him in every way.

The prospects in this service are not very encouraging.

In a very limited number of States rules of promotion and schemes for provident funds and pensions have been systematically drawn up and enunciated, but as the Butler Committee observe in their Report, these schemes are merely on paper, and there is nothing except his own sense of honour to compel the Chief to put them into practice. If a Chief dies and is succeeded by his son, the latter's own favourites crowd out of office the friends of his father. Such details as length of service, valuable work, and loyal allegiance to the State in the past are quietly given the go-by. There is another contingency tending to make these services extremely precarious. When a Chief dies, leaving his heir a minor, the Minority Administration (with a British Administrator, who is, as a rule, a European gentleman in the British Indian Military or Civil Service, at its head) imposes

on the State its own special ideas in the matter of reorganising every department.

As a general rule, therefore, these positions fall to third-rate men. If by any odd chance the right man comes in he finds his term of office unduly short. The conditions are too much for him and he finds himself forced to retire.

The case of Sir N. G. Chandvarkar, Judge of the High Court of Bombay, is an instance in point. On his retirement he accepted the post of Prime Minister of the State of Indore. This post he had to leave within a year as he could not put up with the vagaries of Tukoji Rao, notorious in the Bawla murder case and for the marriage with Nancy Millar.

Sir Sankaran Nair, a Judge of the Madras High Court and Law Member of the Viceroy's Executive Council, had similarly to retire from the post of adviser to the same Maharajah.

Sir Ali Imam, another illustrious man from British India, also a Law Member of the Viceroy's Executive Council, who entered the Nizam's service as Prime Minister, started the excellent work of remodelling the whole Administration. His term of office was soon over.

Sir Albion Bannerje, I.C.S., K.C.I.E., the competent Diwan of Mysore, who on his retirement from that State had undertaken service in Kashmir under the notorious "Mr. A.," found himself unable to continue longer than eighteen months in office.

Hence, under the irresponsible personal rule of these States, uncontrolled and uncontrollable by public opinion, the chances are that the best men will resign in disgust, while others, undistinguished by merit and not above corruption, will come to the front.



A word or two about the actual functioning of the courts may not be out of place. The Highest Courts are Courts of Appeal in civil, criminal, and other matters, and Appeals come up to them from all the subordinate courts. In cases in which the Prince himself acts as Judge in this Final and Highest Court in the land, appeals must wait months and years for a hearing ; the Prince is always otherwise engaged, for the most part in the innumerable activities of fashionable life in the accepted notions of that misleading phrase. Hearings are adjourned successively through the months for no very definite reasons. To the knowledge of the writer a number of appeals have been adjourned about fifty times. Delays of from five to ten years have occurred because His Highness "had no time to hear the appeals," or because he was "absent in Europe on important State Business for the benefit of his dear subjects."

Important State Business ! Why, of course—the cafés, cabarets, theatres, dance-halls, gaming-tables, and race meetings in London, Paris, and New York must be studied so that his dear subjects may be better fed and clothed. When that day, so eventful for the litigant, does come the actual hearing is more interesting still. His Highness, who probably has had a strenuous week of hunting and social amusement, naturally has had no time to read and study the correspondence and data relating to the case. These are often tiresome and complicated, and are therefore beneath the notice of the Supreme Judge of the High Court of Appeal. What then remains to be done ? Why, to give the decision without reading the papers to be sure ! Could anything be simpler ? His Highness condescends, of course, to listen (with a suppressed yawn or two) to what the Appellants and their Counsels have to say.

Elaborate and intricate questions of law and fact are advanced. Let us not forget we are in the Supreme Court of Appeal. Verdicts of the District Judges are criticised and commented upon. The arguments last sometimes for days. How dreadful! His Highness is rapidly reaching a climax of boredom. Therefore, in the agony of his soul, he says: "I shall consider the matter very carefully, study all the sections of law and the authorities you have cited, and deliver my judgment as soon as possible," and then goes home and manages to forget all about the appeal.

Well, with such "State Business" months and years pass away. His Highness has forgotten all the facts, the authorities, and the arguments. The judgment, if it ever does come, appears Rip Van Winkle-like to a generation that has long forgotten what the original appeal looked like in the days of its youth and virility.

In criminal cases the accused have long since served their sentences; some of the parties have died, and their heirs regard the judgment with astonishment, and ask what on earth it is all about.

Passing through such vicissitudes the records get covered with dust and are finally lost. By the time the judgment comes through, the Clerk-in-Charge has probably left the Service, or he too may have died, and his successor has difficulty in tracing the record. Perhaps His Highness had taken it to the Palace to "study" it. In any case, what does it matter, for the judgment when it does come will, in ninety-five cases out of a hundred, adopt the usual formula: "His Highness sees no reason to differ from the Lower Court. Appeal rejected."

Let us now study the Prime Minister in the capacity of Judge. He is naturally a very busy man. The whole burden of State Administration is upon his head, and he,

of course, has a thousand and one things to attend to. His judicial work is one duty among many. To this he attends only when he has nothing else to do. When a decision is referred to him, although he will perhaps be a few years earlier than the Chief with regard to the time it takes him to pronounce judgment, the judgment itself is no less laconic in form. "See no reason to differ from the Lower Court" is again the formula.

And now for the Subordinate Courts. Here we are confronted with a still sadder tale. Some of the officials of these courts are qualified no doubt, but they are very badly paid, and since their superiors in the Higher Courts are so slack these smaller fry see no reason why they should not be slack too. Besides, in addition to their judicial work they have to attend to a host of miscellaneous duties, such as the attending of marriages and funerals of the Prince's relatives, of his friends, or of the relatives of his friends, the accompanying of the Prince on his tours and of the ladies of the Palace on their pilgrimages. Also these officials of the Subordinate Courts have their own private business to attend to. There is, for instance, in Kathiawad one first class State called Dhrangadhra, in which, during the cotton season, the courts are virtually closed for all ordinary business. At this time all the Judicial Officers, including Law Graduates of Bombay University, are engaged in the cotton business which the State carries on for its own profit.

They are engaged in the weighing of cotton pods, raw cotton, and cotton seeds. They keep Labour Registers, and perform many allied duties, and the judicial business of the people is held up all that time. This is also one of the reasons why court cases drag on for months and years. Ordinary money suits which, in the usual course

of events ought not to take more than a fortnight or a month, take six months or a year.

As regards criminal cases, smaller offences such as minor cases of assault, or of libel and so on, which ought to be dealt with summarily within a week, are not disposed of for six months or a year. In the more serious criminal cases the accused have to be in jails and lock-ups for the long-drawn-out periods of their trial. The natural distrust of such "Courts of Justice" prevents citizens from volunteering assistance in the administration of justice.

These petty officials, knowing full well the weaknesses of the Heads of their Departments, work their own sweet will in most matters, and to serve their own purposes harass and worry the people. But besides all this, a witness, if called as such, may have to attend several times for the same case. In innumerable instances that means trudging many weary miles through knee-deep mud in rain, or under the hot sun, through burning sand from villages far away. Often witnesses have to go back again without having been called and are told that they must return the next day. In such circumstances the people are naturally reluctant to come forward to give evidence. Hence their desire to avoid the whole business of the administration of justice by pleading their utter ignorance of the crime they know they have witnessed. This again is one of the contributory causes to the frequent miscarriage of justice in the Indian States.

And so things go on from bad to worse. Is it to be wondered at that people have no confidence whatsoever in the Courts? Law, in the States, in practice is a terror to the innocent and a protection to the evil doer. Rogues and hardened criminals, for whom the Courts have no terror, know that their victims would never

dare to approach those Courts, and even if they did so they would soon get tired of waiting. They therefore take advantage of the situation in every possible way.

Our Princes believe in keeping their people always in a condition of dependence and fear, and our Police are merely a force intended to promote terror on all hands. They act as jailers to the entire population. The ordinary constables, the rank and file of the force, are drawn from the very scum of the population, and hardly one in a hundred of these knows how to read or write. In addition to being illiterate they are entirely without the knowledge and training necessary for their work.

Their pay averages from one to three shillings a week. Ten shillings a week is the maximum sum paid to any ordinary constable.

The Chief Constable is paid at the rate of from 15 to 35 shillings a week, sub-inspectors at the rate of £2 or £3 a week, while in large States the weekly pay of Superintendents and Commissioners is from £4 to £6.

It is the same old story—inadequate rate of pay, and the results—bribery and corruption. In the rank and file this is perpetual and new opportunities are for ever being created. Nearly 50 per cent of crimes committed are never detected. Scarcely 30 per cent of stolen property is ever recovered, and in murder cases *scarcely one genuine culprit* is brought to book. Innocent persons are often convicted on faked evidence, sworn to by false witnesses. Crimes of indescribable cruelty and ferocity are brought to light, but in very rare cases is effective action taken.

In many instances the police themselves are the originators of the crimes. They employ well-known criminals to perpetrate the offences and act as accomplices in exchange for a share in the booty.

In the villages no attractive woman's honour is safe. The atmosphere is charged with intrigue and danger. Great pains are taken by the police to fabricate unfavourable reports against any prominent or educated people who seem likely to protest and take up the cudgels for the people. Any lie is concocted and spread so that the Prince may be well prejudiced beforehand against these gentlemen.

Far from being the source of protection to the people that they are *presumably* intended to be, the police themselves are largely the cause of what it should be their duty to prevent.

## CHAPTER XII

### EDUCATION IN THE STATES

**E**DUCATIONAL facilities in the States are almost nil. The whole system of education is utterly and, one may say, intentionally inadequate. Out of 563 States only 20 are provided with any form of educational facilities worth the name.

As to Universities, these exist only in the States of Mysore and Hyderabad. In some of the larger Salute States there are Arts Colleges teaching up to the standard of M.A. and B.A. degrees. In about fifteen States there are Technical Schools of an elementary type. Of the other Salute States few possess High Schools reaching the Matriculation Standard. The majority of these States can boast only of Anglo-vernacular Schools up to the fourth and fifth standards. In the second class States nearly three-quarters have only the very elementary schools of the strictly vernacular type.

There are in the Indian States only 755 towns of which the total population is 7,430,908. The villages, of which there are 187,893, have an aggregate population of 64,508,279. It will be seen, therefore, that 90 out of every 100 persons live not in towns but in villages.<sup>1</sup>

Generally speaking, in villages with a population of 500 or less there are no schools of any kind whatsoever. The average population per village amounts to about 345, and though absolutely accurate figures are not

<sup>1</sup> See *Times of India Year Book*, pages 13 and 19.

available, it would be a fair estimate to say that only 20 per cent of the total number of villages have a population of over 500. Hence out of the 64 million of villagers 51 million have no means of education whatsoever—either compulsory or voluntary. The former is entirely out of the question with Princes whose humanity resists the idea of compulsion.

Not all of the 13 million people for whom some degree of educational facility is provided can take advantage of such opportunities.

There are many people who cannot afford to send their children to school, as the latter must take a hand in agricultural work so that the combined efforts of the family may provide the bare necessities of life. If education were compulsory, perhaps people in time might learn to expect a little more from life than a handful of flour, a few yards of woven cotton, and a mud hut.

In the whole of India, including the Princes' States, only 82 persons in every 1000, i.e. about 8 per cent, are able to read and write.<sup>1</sup> These figures exclude children under the age of five. When we come to consider the illiterate persons in the States alone we find the percentage much higher. In the States the educated persons average only 4 per cent. These figures do not include women, as education of women is almost unknown in the States.

Scarcely one hundred out of ten thousand persons have the slightest knowledge of languages other than their own. But this is not surprising when you consider that, after the many years the British have been there, India, considered as a whole, can boast only of 160 males in every 10,000 who can claim a knowledge of the English language.

It must incidentally be borne in mind that even in

<sup>1</sup> See *Times of India Year Book*, page 23.



States which claim to be enlightened and progressive the expenditure on education does not exceed 2 per cent of the total revenues of the State and 4 per cent<sup>1</sup> of what is spent by the Chief on himself.

In the majority of States scarcely one village out of ten can boast of a school. This school is a room, say about 20 feet in length and 20 in breadth. It may or may not have a small compound. The school is built, as a rule, of mud. The walls are plastered with cow dung, which is renewed perhaps once every three months. The roof is made of bamboo sticks and mud tiles. In rare cases only are there windows or other apertures for light and ventilation. In this one schoolroom all classes are crowded together. The average number of scholars is about fifty. These scholars are all boys, because in villages the education of girls is not looked upon with favour. Here, in this one room, these boys are packed together in all seasons, hot and cold, wet and dry. There is one schoolmaster, and in some cases an assistant. The qualifications of the schoolmaster are as a rule very insufficient.

The schoolmaster has probably reached the fifth or sixth standard in a vernacular school. That is to say he has a smattering of elementary reading, writing, arithmetic, geography, and history, and perhaps of a little geometry. His salary is from three to five shillings a week, and that of his assistant from two to three shillings. These men have wives and children to maintain out of this munificent rate of pay. How then are they to make both ends meet? Obviously these village schoolmasters must find some subsidiary means of feathering their own nests. These means are many and varied. The schoolmaster becomes a busybody in the village. He promotes

<sup>1</sup> See Budgets of Bikaner, 1928, and Jamnagar, 1926.

quarrels and then acts as peacemaker (for a consideration). He writes petitions for people, recites stories from the Scriptures, undertakes priestly functions at the village temple and, where there is any postal business, gets himself employed as the village postmaster. Any time he can spare from these activities is devoted to his school. His method of "teaching" is very simple. It consists of setting a task which must be learned by heart and repeated next day. This, with a generous use of the birch on the backs of his pupils, is all he understands of the art of teaching.

There are, of course, School Inspectors, and if one of these should chance to appear on the scene he is given a reception fit for a Viceroy. He hangs about for an hour or two and then goes back to report that all is well, and that the schoolmaster is a splendid fellow. Thus after a little course of study, which includes the learning of the alphabets and the elements of reading and writing and a few simple sums in addition, subtraction and multiplication, the pupil is considered to have completed his "education."

This, then, is the state of education in the villages in the territory of H.H. the Jam Sahib, Prince Ranji. Even such apologies for schools as I have described exist in only 184 villages out of 687. Yet this Prince told Professor Railey that in *every* village in his State there was a school. This brave statement found its reward in the columns of the *Manchester Guardian* in the shape of a glowing tribute to His Highness's "benevolent, progressive, and enlightened" rule.

Now as regards schools in towns. Out of the 755 towns scarcely 2 per cent have facilities for the complete degree courses. Five per cent have only Arts Colleges up to the Intermediate classes. Only 188 of these towns,

that is about a quarter of the total number, are equipped with High Schools reaching the English Matriculation Standard. Another quarter of the towns have what are known as Anglo-vernacular Schools, while the remainder have vernacular schools only.

The Arts Colleges and High Schools are all affiliated with the contiguous British Indian Universities, but although the Universities prescribe the course and nominally control the teaching in these institutions, they have no voice in their practical management nor in such details as the appointment or dismissal of professors and teachers. These are recruited and paid in much the same way as are the other public servants of the State.

The results for the most part are that few decent, capable men can be found in such positions, the majority of which are filled by the derelicts who cannot place themselves anywhere else.

The Education Department of the State is regarded by the Princes as a useless burden which they are forced to carry for purposes of advertisement and show. The Princes have no interest in and no sympathy with this course. Education, the Princes find, produces people who are a "menace" and a "pestilence" that must be avoided at all costs.

Besides, consider the expense! The Princes cannot possibly spare more than 2 per cent out of the revenues for such a frivolous and superfluous thing as education.

They require fleets of motor-cars and more and more modern palaces, not only in their State capitals but also in Hill Stations, such as Simla and other places. H.H. The Maharajah of Alwar built only the year before last a palace at Mount Abu at a cost, it was said, of £350,000. This palace, according to the Political Agent, is in richness and splendour not remotely reminiscent of a scene

in *The Arabian Nights*. When a Viceroy, a Governor, a Political Agent, or any other important personage visits the State a freshly decorated, newly whitewashed school is shown, and schools by hundreds spring up on paper. The guest, as in duty bound, compliments the Prince for his zeal for the welfare of his people. Hospitably entertained newspaper men telegraph this news all over the world, and astounding headlines in block capitals blacken the face of Truth. If anyone who knows the actual facts dares to criticise, he is called a "malcontent," a "dangerous agitator," and a person whose craving for power and notoriety deserves to be punished by imprisonment or banishment from his native land.

In his own State, such criticism of the Prince constitutes treason and sedition, and in British India it is a serious offence, punishable under the Princes' Protection Act, with five years' imprisonment.

A few brilliant exceptions, such as Mysore, Travancore and Baroda, form a pleasant oasis in the dry desert land of Education in the Indian States.

## CHAPTER XIII

### PUBLIC HEALTH

WE shall now consider the nature and extent of the States' provision of the ordinary amenities of life as regards health conditions in general. First, as to Medical Relief. There are dispensaries in all the towns, and in all the capitals of the Salute States there are hospitals with provision for indoor patients. The hospitals are in charge of qualified medical men, but the dispensaries are in charge of hospital assistants. In villages there is absolutely no provision for any kind of medical relief within many miles. Patients, often the very sick, or even dying, must travel long distances in bullock carts over very rough cart-tracks before they can get to the nearest dispensary. Roads are almost unknown. Thus, compelled by circumstances to go without medical relief, nearly 90 per cent of the village people employ dangerous quacks who do not scruple to play upon their credulity. Even when within reach, the skilled physicians and surgeons are not always available for the *poor* patient. Care of the Palace household often absorbs their time and attention.

For maternity aid not five States in a hundred provide any adequate provision. Trained midwives are by no means easily procurable, and this is responsible for the high percentage of deaths during confinement and for the large number of stillborn children. Those women who survive the ordeal have their health shattered for

life. The statistics in these cases are staggering and heartrending. To the cry of the suffering and helpless our Princes are deaf and dumb. This cry is drowned in the roar of the racecourse, the rattle of the dice, and the music of the jazz band. And for all these things the people must pay.

Hospitals for the special treatment of particular diseases, such as tuberculosis, eye, ear, nose, and throat troubles, are to be found in so few of the States that these can be numbered on the fingers of one hand. For the most part one doctor is supposed to be good enough for all ills to which the flesh is heir, and as for the provision of surgical instruments and appliances and the supply of drugs and medicines, all this is made on an extremely meagre scale. The total expenditure on Medical Relief is less than 1 per cent of the total revenue. And yet the Medical Relief, such as it is, is available only in the towns.

The people in the villages who form the vast bulk of the population, and who pay in taxes nearly 80 per cent of the revenues of the States, get in return next to nothing in respect of Medical Relief.

Sanitation is a thing unknown in the States. With the exception of Mysore and four or five other States there is no semblance of a Department for looking after Public Health and Sanitation. The only figures and statistics available in this context are registers of births and deaths. These registers are known to be unreliable.

No lavatories or public conveniences of any kind are provided in the villages, towns, or cities. The results of this omission are naturally offences against public decency and danger to public health. The Prince is perfectly aware of this state of affairs. His Rolls-Royce frequently passes along these public roads, and all these unpleasant

details are well known to him. It hardly ever occurs to him that the State's lapses in regard to this matter are an outrage on morality and decency and eventually spell death to a vast proportion of the people. The atmosphere is poisoned. Mosquitoes breed in abundance, and during four months of the monsoon malaria takes its toll from every household. In the villages especially the conditions are utterly appalling. Here there are no roads or properly laid streets. The whole village, including the compounds, which are, as you know, the yards and stables, is full of mud. This mud is the dust deluged by the heavy rains. In this dust is included animal and human refuse, and these breed poisonous biting insects by the million. Diseases spread and destruction follows. Men and cattle die in thousands. How many live and how many die? Who knows? Who cares? It is nobody's business. The English Press finds happiness and contentment among the people, and the States' reputation for good government remains untarnished.

And yet one often reads of grand ceremonies in which foundation-stones are laid for hospitals, maternity homes, and all sorts of useful institutions. But these, like the Representative Assemblies, never get beyond the verbal or paper stage. They are themselves stillborn—a fitting monument for the thousands that die before the first breath of life informs their frail frames.

One of the most “enlightened” of Princes has been for the last ten years consistently getting foundation-stones laid in this way in honour of every august and Viceregal visitor. And the stones mark not the beginnings but the end of those ambitious institutions.

## CHAPTER XIV

### ILLUSTRATIONS OF ARBITRARY RULE

THE following few examples of leading Princes, who through the agency of "The Chamber of Princes" are heading the agitation for more and more power, will show that in the States of these same Princes, who are the loudest in proclaiming their progressive and enlightened rule, public opinion is ruthlessly suppressed, domestic slavery and forced labour prevail in their worst forms, while criminal extravagance and waste of public money is the order of the day.

#### I. PATIALA

The Ruler of this State is the Chancellor of the "Chamber of Princes," and leads all agitations on behalf of the Princes. At a Sikh Diwan,<sup>1</sup> held on the 17th of July, 1928, at Nansa in Patiala State, and attended by over eight thousand people, including Sandar Khark Singh, the well-known Sikh leader, the following resolutions were passed :

(1) "Whereas the War Loan levied by the Patiala State under Compulsion during the Great War, and promised to be repaid with interest by the end of 1922, has not yet been repaid, this Diwan emphatically demands earliest repayment of the loan with interest to the people.

(2) "This huge and representative Diwan of the people

<sup>1</sup> Assembly.



of Patiala State expresses its deep indignation over the incarceration by the Patiala Durbar of the popular Sardars Seva Singh, Harnam Singh, Shamsar Singh, Hari Singh, Arjur Singh, Chandan Singh, and Ujagar Singh without trial, congratulates the Sardars on their heroic stand, and records its sympathy with their relatives.

(3) "Whereas the people are kept absolutely ignorant as to the utilisation of the amount of the education and road taxes, and whereas both rural education and roads are in a highly bad condition, this Diwan emphatically demands popular control of these Departments.

(4) "This Diwan declares that the 19 per cent increment made in the Land Tax since 1926 was forced upon the people and has caused considerable hardship to them, and demands the abrogation of the increment and the refund of its amount hitherto collected."

## II. KASHMIR

The following statement describes the conditions prevailing in the State of Kashmir. This statement was made by Sir Albion Bannerji, I.C.S., K.C.I.E., for some time Foreign and Political Minister of Kashmir, and ex-Diwan (Prime Minister) of Mysore, to a Press representative, and was published in the *Hindustan Times* :

"A large section of the population is absolutely illiterate and poor, governed like dumb-driven cattle, no touch between the Government and the people, no means open to them to represent their grievances. The administrative machinery requires overhauling from top to bottom. The intellectual classes are also in a sense depressed classes, hardly any public opinion, even bare

subsistence is denied under the existing conditions of rural life."

The Ruler of this State is "Mr. A.," well known in the £150,000 cheque case.

### III. BIKANER

(1) *Suppression of Public Opinion* : There is no independent paper in the State. Public meetings cannot be held without permission, and can be arbitrarily dispersed by the Police, against whom there is no remedy.

(2) *Public Service* : All high appointments in the State are monopolised by outsiders, and the people of the State have few opportunities.

(3) *Education* : In the year 1926-27 the expenditure on education was £10,000 out of a total revenue of £750,000.<sup>1</sup> This represents 1·5 of the revenue and 4d. per head of the population per year. There are 2141 villages, and the total number of schools provided is 64, that is one school for every 35 villages. The number of persons for whom education has been provided is 23,849, which is 3·6 of the total population. The remainder are absolutely illiterate.

(4) *Medical Relief* : The expenditure for 1926-27 was £9500. This is in the proportion of 1·4 per cent of the total revenue, and works out roughly at about 4d. per head in the year. The number of dispensaries is 14, which represents one dispensary to 47,120 people and to 1665 square miles.

(5) *Industries* : There are no industries worth men-

<sup>1</sup> See Bikaner Administration Report, 1926-27.

tioning. The Administration Report refers to wool only, and here it states that there has been a great falling off in the number of sheep and consequent deterioration in the industry.

(6) *Representative Assembly* : This is a body maintained for show. It has been already described how this body transacted all the business of the year in two days, and while providing only £15,000 for education, sanctioned a sum of over £170,000 for building, repairing and making alterations in the private palaces of the Ruler.<sup>1</sup>

#### IV. ALWAR

According to the Census Reports, the population in 1901 was 828,489, in 1911, 731,668, and in 1921, 701,154.

There are in this State 7 towns and 1765 villages.

(1) *Education* : There are about one hundred schools in all. Of these, one is a High School, three are Middle Schools, and the rest are Primary Schools under the charge of teachers whose salaries average from four to eight shillings a week. Out of an annual revenue of about £400,000 the amount spent on education is roughly £5000 a year, or a trifle over 1 per cent. Of the total population about 3·2 per cent are educated.

(2) *Medical Relief* : In this State there are only ten dispensaries. The total amount spent on medical relief is about £2000, or £1 out of every £300 of revenue.

(3) *Annual Revenue and Expenditure* : In 1911 the annual revenue was £200,000. In 1921 it was £350,000, and in 1927, £400,000. The increase in revenue is not

<sup>1</sup> Bikaner Administration Report, 1926-27.

due to a corresponding increase in the prosperity of the people of the State. It should be noted that the increase in revenue goes hand in hand with a decrease in the population. The reason for the augmented revenue is to be found in the excessive taxation and in the confiscation of estates and lands of a number of privileged landholders. This last fact is illustrated by a petition presented to the Viceroy by the landholders of Alwar in 1925.

The Alwar State does not publish annual administration reports. There is no representative assembly in the State. Government is carried on by the Maharajah, assisted by an Executive Council. Laws are issued as decrees or arbitrary orders by the Maharajah. There is no newspaper in the State, and free speech and the right to hold public meetings are denied. The following provision in the Alwar State Sedition Law speaks for itself :

“ A meeting of more than five persons shall be presumed to be a public meeting within the meaning of this Act, until the contrary is proved. No public meeting shall be held for the discussion ‘ of any political subject ’ or for the exhibition and distribution of any written or printed matter relating to any such subjects. At any public meeting no such subjects will be discussed or preached which are likely to do anything which may be contrary to the interests of the Alwar State, its government, its Ruler, its Sovereign, or against the interests of His Majesty the King-Emperor of India, his Government, or against the interests of any other ruling Prince in India.”

## V. JAMNAGAR

(1) *Liberty of Persons* : Mansinh Jhata of Bodi was arrested without charge or trial and was kept in prison for five years. Mulji Nagji of Lalpur was arrested and kept in prison without charge or trial for three years. His brother, who went to his rescue, was also put in jail. About fifty servants of Auran Jagirdar were summarily arrested, kept in prison, and cruelly treated for over a year. A public man, Mr. Lavanprasad, was summarily arrested in July this year and kept in prison without charge or trial for submitting a petition to His Highness protesting against the tyranny of monopolies for the sale of articles of daily necessity, such as matches, kerosine oil, petrol, and Indian cigarettes. He was released after forty-five days' confinement, His Highness declaring that this was done "in exercise of our Royal clemency."

His offence was never alluded to, and he was never convicted. Yet, in the opinion of His Highness, to submit a petition was a serious offence meriting summary imprisonment for an indefinite period, and to release the culprit was an act of "Royal Clemency." The Stuart kings of England used to talk in this strain. Evidently His Highness the Maharajah still lives in those days.

(2) *Security of Property* : Amran Jagir, which for over 150 years was in the possession of the heirs of the man who won and built up the State for the ancestors of the present Maharajah, and whose lands were guaranteed to him by the ancestors of the Maharajah, and also by the British Government, has been taken away from these heirs on the plea that it was only a maintenance grant. The estate yielded a revenue of about £10,000 a year.

The movable property of the heir, including cash and jewellery worth £10,000, has also been seized, and the heir, with his family, was turned out with nothing but the clothes they wore. The heir to this wealthy estate died this year a beggar in the streets of Rajkot Civil Station. The Jagir of Panchdevda, belonging to a Cadet of the State, to whom this property has been guaranteed by a solemn decree of the British Government, was seized by the State five years ago. The grounds for this seizure were that the then occupant was a spurious child of the last holder. Sir Thomas J. Strangman, ex-Advocate-General of Bombay, in giving his opinion on this case, says :

“ The chain of events is really remarkable. First it is discovered thirty-seven years after the event that his father committed a fraud, and Panch Devda should really be a ‘ Jiwai ’ (a grant for maintenance). Next he is fined Rs.5000 (£400), and all his villages are attached, for what, assuming everything against him, was a mere misunderstanding. Lastly, it is discovered thirty-nine years after the event that he is illegitimate (the discovery being one which would lead to a loss of all his villages). . . . It is clear from the bare recital of facts as above that the querist can look for no justice in Nawanagar. . . . If a judge could grant a drastic order depriving the querist of his villages, although no *prima facie* case has been made, and then say it did not harm the querist so to be deprived, there is no particular reason why on no evidence whatever he should not hold that the querist’s father was guilty of fraud, that the querist is liable for mesne profits, and that the querist is illegitimate.”

(3) *Taxation* :<sup>1</sup> This is unbearably heavy. In dis-

<sup>1</sup> Vol. 54, page 291, dated 16.2.21. (Huzoor Outward Order.)

cussing taxation in a previous chapter a list of taxes levied on the people of the towns and villages of this State is given in Appendix C.

(4) *Liberty of Speech* : The following order of Mr. G. B. Desai, the Political Secretary, speaks for itself :

“ All are hereby informed that no person, association, or gathering should address a public meeting on political matters without the permission of the Political Secretary, which should be secured in advance. Further, no political meeting of any kind should be held. Those who would act otherwise would be legally proceeded against.”

The signatory is a barrister-at-law and Chief Justice of the High Court of Jamnagar.

The personal expenditure of the Maharajah of this State, according to the budget of 1926-27, including Palace expenses, Public Works Department (for motor roads for the exclusive use of himself and his guests), repairs, and building of new palaces, guest departments, minor departments, and unforeseen expenses amounts to £700,000. And this out of a *total revenue* of £1,000,000.

As against all this personal extravagance the expenditure on education and medical relief in that same year was 1·5 per cent and 0·9 per cent respectively.<sup>1</sup>

This Maharajah is a great pet of the British people, probably on account of his fame as a sportsman, a fact that enables him to defy, with impunity and even contempt, the public opinion of India.

Worse instances of tyranny and oppression could be cited from many of the smaller States, and indeed from almost any State the ruler of which is a member of the “ Chamber of Princes.” We have chosen the above

States because their Princes are the leading lights of the " Chamber of Princes." These are the rulers who get certificates of enlightened and progressive rule from men like Sir Walter Lawrence, Sir Sydney Low, and from the British Press generally. The British Empire would be poor indeed if supported by pillars such as these.



## CHAPTER XV

### CONDITIONS BEFORE AND DURING BRITISH RULE

HAVING thus examined and appraised the "Personal Rule" in the Indian States with reference particularly to its purely fabricated results in the shape of "Happiness and Contentment" to the people, it might be interesting to try to discover the predeterminating influences which, in conjunction with present-day conditions, have made it possible for such medieval abuses to flourish in this enlightened and democratic year of grace, 1929.

Before the British Government assumed rights and duties as Paramount Power our Princes were responsible only to their own subjects. Their very existence depended solely upon the goodwill of the people. In those days the people were permitted to bear arms. Martial spirit had not been quenched, chivalrous ideals were not unknown in our midst.

There existed in pre-British times ancient and venerable institutions known as "Mahajans" or "Assemblies of Great Men." These assemblies were made up of men of high character and status. They were drawn from all castes and classes, and were heads of families or of groups of families who by philanthropy, self-sacrifice, and public spirit had won the general esteem and confidence of the people. The influence of these Mahajans over the classes and masses was supreme.

These bodies, although they did not function as a

matter of routine, never failed to take action in matters of social or political importance which were likely to affect the community as a whole. The influence of the Mahajans was as effective with the military as with the civilian classes, and the means of enforcing obedience to their commands were approved by the public generally, and were more effective than the punishments inflicted by ordinary Courts of Justice. The Mahajans were the just arbitrators in many social and civil disputes, and quietly and unobtrusively carried on a large share of the business of government.

The Chief, in these circumstances, could not incur the displeasure of the Mahajans, and never ventured to do anything that was likely to meet with their disapprobation. They exercised a most wholesome and effective control over the private life and character of the Prince. Any disputes in the Prince's family were settled by them, and their judgments were received without question. In comparatively recent times, in fact within living memory, there have been cases in which the wives or ranees of Chiefs complained to the Mahajans of ill-treatment on the part of their husbands with salutary results.

It was never easy for a Chief to defy the Mahajans, for they had it in their power to order that the Chief should be quietly ignored in public and to deprive him of the respectful salutations of his subjects—an effective remedy for self-opinionated individuals with whom reputation was the breath of life. There were also other passive methods, such as marching in a body to the Palace gates, and also fasting until redress was obtained.

If further persuasion were needed, the Mahajans might decide to suspend all business and close all shops and markets as a mark of public indignation. And further, an extreme remedy was found in the emigration of leading

families of the State. This had the immediate effect of putting matters right. There is quite a recent instance of the way in which such collective will of the people was able to achieve the desired results.

Just over thirty years ago the Chief of one of the Kathiawad States, the predecessor of the father of the present Chief, put forward a claim that all the building sites upon which stood the houses of certain people belonged to the State and that the owners of those houses had no legal title to them. He demanded that the respective owners should pay the price of the building sites and take out the title-deeds within a given time. Failing this the people were ordered to vacate their houses and hand them over with the building sites to the State. The Mahajans assembled and decided that such a preposterous claim must be disregarded, and had their decision communicated to the Chief through their elected spokesmen.

The Chief was naturally enraged and asked to see the President of the Committee, a request that met with a prompt refusal on the ground that such a meeting would serve no useful purpose as the Mahajans' decision was irrevocable and unalterable. This was followed by an order for the arrest of the President. The news brought to the Palace gates a crowd of people who refused to go home, and demanded to be sent to prison with their President. Although the order for arrest was immediately countermanded, the leaders, as the days went on, found themselves the victims of harassment, either direct or indirect. As a consequence of this a number of influential families and thousands of their sympathisers decided to emigrate. This brought the Chief to his senses, and forced him to recall his arbitrary order.

The village people were also organised, disciplined, and protected by the Mahajans in the same way. Amongst

the agriculturists, the leading man or "patel" could stop ploughing, sowing, and reaping operations as a protest against any unjust measures of the Chief. In important matters affecting the town and rural populations as a whole there was invariably complete co-operation between the inhabitants of the towns and villages.

The Mahajans or leading men of the old days did not hesitate to place without reserve all their resources at the disposal of the people. They were ready to sacrifice their all for a cause they thought right. Nearly forty years ago the President of the Mahajans' Committee was prepared to go to jail and to give up every farthing of his wealth for the cause he had at heart.

The old order changed, yielding place to the new, until by degrees the people became absolutely devitalised and demoralised. During the last ten years a feeling of utter helplessness has descended upon them. And now, thanks to the movement for self-government in British India, the drooping spirits have been revived. All is not lost: the unconquerable will and the desire to be free are everywhere apparent.

The degradation was brought about by a series of deliberate measures. In the first place came the deprivation of the right to bear arms. Even swords and sickle-sticks are prohibited. The right to carry one of these can be obtained only with the help of a licence, and this as a rule is granted only to a servant of the State actually engaged in State duties. Such licence is rarely granted to a private citizen, and if it is granted there is so much trouble and worry in connection with it that no citizen finds it worth while to possess it.

This prohibition had the gradual effect of destroying not only the martial spirit, but also the spirit of self-confidence and of self-reliance. The people cannot now

defend themselves against violence and assault, and cases have occurred when a gang of four or five robbers or dacoits, armed with ordinary swords and crude hand-made guns, have held up, robbed, and terrorized a whole village with a population of three to five hundred.

In the second place, the people in the old pre-British days had abundance of employment, and each class had its own permanent occupation. Many cottage industries flourished in the towns and villages. In the writer's own native town, with a population of only fifteen thousand, there were two hundred families engaged in the dye industry manufacturing valuable aniline and alizarine dyes from dye-woods, myrabolams, and from a large variety of plants and seeds. There was also the allied industry of dyeing and printing cloth, which provided occupation for at least another hundred families.

There were about fifty Mahommedan families who were engaged in the manufacture of large quantities of household and toilet soaps. There were also tanneries, worked by people known as the "untouchables."

There were blacksmiths who made agricultural implements, weapons of warfare, and household utensils, and there were potters who made all kinds of earthenware. The village people were occupied in agricultural pursuits for full six months in the year. For the remaining six months they gave their time to such profitable industries as the ginning of cotton with hand-gins, carding, spinning and weaving, and also cattle farming, dairy work, and the growing of fruits and vegetables.

In those days unemployment as a problem was unknown. There was not a family which did not possess valuable gold and silver ornaments, and not a home that did not own its own cow or buffalo. Every child could

have plenty of milk and ghee<sup>1</sup>, and the people were so very healthy and long-lived that there was no great need for hospitals and doctors.

This then was the condition of affairs in the Indian States as in the rest of India. But with the advent of machinery and cheap imported goods and the systematic destruction of the industries, all this prosperity gradually disappeared. In its place came unemployment and poverty, bringing in their train the mental, moral and physical deterioration of the people.

The next thing to suffer was the quality and quantity of education. Until the year 1816 there was not a village in the length or breadth of India that did not possess its own school, not a boy or girl who did not know how to read and write.<sup>2</sup>

Gradually the whole educational system was swept away.

The plea of financial stringency was probably plausible in British India, but was inexcusable in the States. Funds there are in abundance, but the money required for education for the millions is wasted on luxuries for the few.

A fourth reason for the gradual eclipse and downfall of the ancient order is to be found in the fact that while demoralisation was proceeding apace the Imperial Government's ever-changing policy, varying as it did in the hands of each successive Viceroy, accelerated the process.

First there was the policy of State annexation. When a Prince died without an heir his territories were annexed to those of British India. This policy was pursued until 1853, up to the time of Lord Dalhousie. Such a policy had strange results. In order to avoid such annexation in the case of a break in the direct male succession, cases

<sup>1</sup> Clarified butter.

<sup>2</sup> See Report on Education in the Punjab, 1816.

have occurred in which some Princes have sought to introduce spurious heirs. To continue. After 1857, when the Government of India was taken over by the Crown from the East India Company, this policy of annexation was abandoned. Princes having no sons were allowed to adopt heirs. Adoption Sanads were issued, and in 1858 that famous proclamation of Queen Victoria guaranteed to Indian Princes the complete integrity of their States. But in those days the right of intervention in cases of injustice, oppression, and maladministration was exercised and was a desirable check on reckless extravagance and "personal rule."

Addressing an assemblage of Rajput Princes, Lord Mayo, in whose time the foundations of the new policy were laid, enunciated the general principles that the Government of India had accepted for the guidance of its political conduct.

"If we support you in your power we expect in return good government. We demand that everywhere through the length and breadth of Rajputana, justice and order shall prevail; that every man's property shall be secure; that the traveller shall come and go in safety; that the cultivator shall enjoy the fruits of his labour and the trader the products of his commerce; that you shall make roads and undertake the construction of those works of irrigation which will improve the condition of the people and swell the revenues of your States; that you shall encourage education and provide for the relief of the sick."

All these conditions were duly enforced, and the Government of India in those days considered it their solemn duty to see that the internal administration of the States was carried on on the lines laid down.

The people of the States were thus taught and encouraged to rely upon the Paramount Power to keep their Princes alive to their responsibilities as Rulers. The people, as a result of this reliance upon the Paramount Power, lost their own spirit of self-help and independence.

This policy was followed from 1858 to about 1890. In 1892 a system of education designed to fit our Princes for the duties of governing their States was introduced. For want of proper supervision this system not only failed to fulfil its purpose, but utterly defeated it.

After 1890, as the demand for popular institutions of government in British India began to arise, the policy towards the Native States was again changed, and the effective control which up till then had been exercised began to be relaxed. It was at this time that the novel idea of intervention "*only in cases of gross and continued misrule and habitual denial of justice*" was first propounded.

Many of the Princes began to get intoxicated with their new freedom and helped to bring about a state of complete chaos bordering on anarchy. And when the limit was reached they were deposed.

This policy was followed until the Great War, 1914-19. Now and again a strong Viceroy like the late Lord Curzon lectured the Princes on their duties and responsibilities, where well-meaning but weaker Viceroys would content themselves with expressions of pious hopes that the Princes would realise their responsibilities and move with the times.

In due course the Princes learned to keep their equanimity and go their own way, neither afraid of the mere sound and fury of the strong, nor amenable to the gentle advice of the weak. The result was not liberty but licence. Meantime, the war that threw kingdoms on the scrap-heap and numbered Kings among its victims, strangely



enough cast a halo of glory on the Indian Princes who had striven with the Cæsars to stem the very tide that swallowed the rest. Their personal services and contributions in men and money at the Empire's hour of crisis got them their rewards in the fullest measure in the way of further imperial protection for impossible claims.

That then is the position. The result of all this changing policy has been, on the one hand, to make the people of the States entirely helpless and, on the other, to make of the Princes irresponsible despots.

The consequence is a return to the conditions prevailing in 1853, thus described in a leading article in *The Times* of that year :

"We have emancipated these pale and ineffectual pageants of royalty from the ordinary fate that waits on an Oriental despotism. . . . This advantage (of securing able and vigorous Princes through rebellion) we have taken away from the inhabitants of the States of India still governed by Native Princes. It has been well said that we give these Princes power without responsibility. Our hand of iron maintains them on the throne, despite their imbecility, their vices, and their crimes. The result is in most of the States a chronic anarchy under which the revenues of the States are dissipated between the mercenaries of the camp and the minions of the Court. The heavy and arbitrary taxes levied on the miserable raiyats serve only to feed the meanest and the most degraded of mankind. The theory seems, in fact, admitted that the Government is not for the people but the people for the King, and that so long as we secure the King his sinecure royalty we discharge all the duty that we as sovereigns of India owe to his subjects who are virtually ours."

## CHAPTER XVI

### RESPONSIBILITY OF THE BRITISH GOVERNMENT

IT is often assumed by the British public, and sometimes even by responsible statesmen, that the British Government and Parliament have no responsibility in the matter of the internal administration of Indian States, and that their right and duty, if any, is restricted to intervention only in a case of what is vaguely termed "gross misrule."

This assumption is based on absolute ignorance, or at any rate on imperfect understanding of the real position.

Broadly speaking the responsibility arises from four sources :

(1) By virtue of the British Government's position as Paramount Power.

(2) From terms of treaties, engagements, and sanads made with and issued to various States from time to time.

(3) By reason of the obligation of the Paramount Power to ensure the progress and prosperity of India as a whole.

(4) From a variety of other reasons.

#### 1. *As Paramount Power.*

The following official pronouncements clearly admit the responsibility of the British Government as Paramount Power :

*Lord Lytton* in his despatch to the Secretary of State

for India prior to the rendition of Mysore in 1882 wrote :

“The British Government now undertakes the duty of protecting all Native States in India from external enemies and of preserving internal order by measures necessary for securing the people from misgovernment and for supporting the lawful authority of the Ruler. So also the powers of the British Government *to prescribe the forms of administration and to insist that its advice be adopted* are the necessary correlatives of the admitted responsibilities of the British Government for the internal peace of the whole Empire and general welfare of the people.”

*Lord Salisbury :*

“I venture to offer that the first cardinal principle of the whole system, the maintenance of the supremacy of the Paramount Power, originates in the policy of Lord Wellesley and Lord Hardinge ; that the second cardinal principle, the preservation of the autonomy of the feudatory States, was clearly expressed in the proceedings which followed the Mutiny during the Viceroyalty of Lord Canning, and has since been very emphatically affirmed by Acts and Proclamations of the Government ; and that the third cardinal principle, the denial of any right divine to govern wrongly, has been established by the course taken by the Government on many occasions, and notably in the trial and deposition of the Gaekwad of Baroda.”

*Lord Curzon :*

“The native Chief has become by our policy an integral factor in the Imperial organisation of India. He is

concerned not less than the Viceroy or the Lieutenant-Governor in the administration of the country. I claim him as my colleague and partner. He cannot remain *vis-à-vis* of the Empire, a loyal subject of His Majesty the King Emperor, and *vis-à-vis* of his own people, a frivolous and irresponsible despot. He must justify and not abuse the authority committed to him. He must be the Servant as well as the Master of his people ; he must learn that his revenues are not secured to him for his own selfish gratification, but for the good of his subjects ; that his internal administration is only exempt from correction in proportion as it is honest, and that his gadi<sup>1</sup> is not intended to be a divan of indulgence, but the stern seat of duty. His figure should not be merely known on the polo ground or on the race-course or in the European hotel. His real work, his princely duty, lies among his own people. By this standard shall I at any rate judge him. By this test will he in the long run as a political institution perish or survive.”

Similar pronouncements laying down the same principles have been made by Lords Hardinge, Northbrook, Harris, Cranbrook, Mayo, Chelmsford, and Reading. All these principles have been affirmed by the Butler Committee<sup>2</sup> after an exhaustive inquiry.

## 2. *From the terms of the treaties, engagements, and Sanads.*

There are clauses in many treaties imposing express obligations on the Princes to secure good government to their people.

The following are a few instances :

(A) *Patiala*. There are three Sanads issued to this

<sup>1</sup> Gadi—throne.

<sup>2</sup> See paragraphs 19 to 30 and 39 to 57 of the Butler Report.

State, one in 1815, the other in 1847, and the third in 1860. The relevant clauses in these Sanads are as follows :

Sanad of 1815. The Raja will omit no exertion to do justice and promote the welfare and happiness of the Ryots.

Sanads of 1847 and 1860 contain identical clauses.

(B) *Kashmir and Jamnu*. This State had been conquered by an Afghan Governor in 1752. It was wrested from him by the Maharajah Ranjitsinh in 1819. When the Punjab was conquered and annexed in 1846 this State was granted to Maharajah Gulabsingh, a trooper in Ranjitsinh's army, by the treaty of Amritsar. By this treaty Gulabsingh acknowledged the supremacy of the British Government and he and the heirs male of his body are to succeed to the gadi. If the Maharajah dies without issue, and there is no male descendant of Gulabsingh, the State lapses to the Government of India. The Maharajah has no right of adoption. The adoption made by the late Maharajah was not recognised, and the present Maharajah, Sir Harisinh, has superseded the adopted son. This State is thus virtually a creation of the British Government ; it is a grant, and presumably the Paramount Power has every right to enforce good government.

(C) *Bikaner*. The first treaty with this State was made in 1818 by which the British Government engaged to protect the principality. The Maharajah and his successors agreed to act in subordinate co-operation with the British Government and acknowledged its supremacy.

In 1830 the British Resident had made preparations to send forces to Bikaner to assist the Chief in reducing the rebellious nobles. The Chief was, however, given to understand that he had no right to call on the British Government for military aid against his disaffected

subjects at any future period. They also reminded the Resident that military aid should never be given to Native States for suppression of internal disturbances.

(D) *Alwar*. In 1803 the Chief accepted the protection of the British Government. In 1862 an adoption Sanad was granted to the State.

Goodam Singh, the ancestor of the present Maharajah, was deprived of his powers, and his successor met the same fate in 1870.

(E) *Jamnagar*. This State has no treaty with the British Government. It was a feudatory of the Gaekwad and Peshwa Government, and the British Government acquired all rights of those Governments by the Treaty of Bassein and the conquest of Peshwa.

In 1808 the ancestor of the present Maharajah gave bonds to the East India Company for good behaviour and the renouncing of piracy. For breach of these bonds he was fined £100,000.

This Maharajah, like his brother Princes, talks of his "Treaty Rights."

There are clauses imposing obligations for good government in treaties with nearly every State of the Salute class.

Everybody refers to the "Treaty Rights" of the Princes and to the infringements of these rights, but no one talks of obligations under the treaties, the flagrant breaches of these obligations, and the solemn duty of the British Government to enforce their observance.

### 3. *In the interests of India as a whole.*

It is obvious, as pointed out by Lord Curzon, that as long as one-third of India with a population of 70 millions of people continues under the arbitrary and irresponsible

rule of the Princes it is impossible to secure the steady progress of India as a whole, and though their integrity must remain undisturbed the States must be brought into line with British India in matters of administration and government. So far the States, left to themselves, have shown no real progress, and there is no guarantee of progress under personal rule. A ruler may be good at one and bad at another period of his life, and his successor may or may not follow in his footsteps. Surely the destinies of 70 millions of people cannot be left in the hands of single individuals to be made or marred according to their whims and caprices, uncontrolled by any authority from without or within.

#### 4. *Responsibility from other causes.*

(a) The declaration of August 1917 by His Majesty's Government promises progressive realisation of responsible government to "India." The word "India" includes the Indian States.<sup>1</sup>

(b) Sir Frederick Whyte, in his monograph "India a Federation," states that the word "India" in Section 33 means not only British India but the whole territory of the Indian States as well. He further states: "The Government of India possesses paramount powers comparable to those of a Federal Government over the foreign relations of the Indian States, over the succession to the States, over its armaments, over the ultimate security of each State from attack, and finally over the behaviour of any State which transgresses the bounds of humanity and good government within or without its own borders."

(c) The British Government maintains the Princes in

<sup>1</sup> *Vide* definition in Section 124 of the Amending Act, 52 and 53 Vic. Chapters 60 and 63.

the exercise of arbitrary powers by their force. They levy taxation according to their own sweet will, squander the money on personal pleasures, deny the elementary needs and rights of the people, such as even reasonable liberty of speech, freedom of the Press, or the right to hold public meetings.

When a Prince has reduced his State to anarchy and chaos, then the British Government intervene and deposes him, and places his son in the same position. They watch until he repeats his father's misrule, and this process goes on interminably. The people meanwhile are reduced to a condition of virtual serfdom.

(d) The peoples of the States cannot suffer this condition of things any longer. They demand that the British Government shall either secure and guarantee to them the same form of government as their brethren over their borders in British India enjoy, or, if the British Government deny their responsibility in this behalf, the people demand that they should be left to secure the administration they desire by such means as they can organise, and that the British Government should withdraw the protection given to the Princes.

The peoples of the States hope that now that the position has been made perfectly clear by the Butler Report the British Government will take early steps to fulfil its obligations to them and not rest content with pious exhortations to the Princes—which the latter have long since learned to ignore.



## PART II

# CONSTITUTIONAL POSITION AND THE FUTURE

## CHAPTER XVII

### THE POLITICAL DEPARTMENT

*ITS responsibility.* The Political Department of the Government of India is supposed to be responsible for the good government of the Indian States. The Viceroy or the Governor-General of India in Council is the member of the Executive Government of India in charge of the political portfolio ; theoretically the whole executive council is collectively responsible, but under the present constitution of the Government of India the executive is not responsible to the Central Legislature in the sense that it is not removable by the Legislature.

*Viceroy.* Thus, though the Viceroy is theoretically in charge of this department he hardly has time to attend to its details. As observed by the *Times of India* in its issue of the 24th November, 1924, "The Viceroy and Governor-General is one of the hardest-worked men in the British Empire. He is oppressed day by day with problems of the greatest importance affecting the governance of British India, with the consequence that the time he can personally devote to the affairs of the Indian States grows less and less. It necessarily follows that an increased degree of authority falls on his political department, and this department is not subject to the control which in the cases of other departments devolves on the member who has to justify his policies to legislatures, nor does it necessarily follow that the political department is

under the direction of men with an intimate knowledge of the States and their problems.”

*Political Secretary.* Thus while the Viceroy is in nominal charge of the department it is the Political Secretary who completely controls it. The Viceroy takes his facts ready-made for him by his Political Secretary who, as the *Times of India* remarks, is not always a man with an intimate knowledge of the States and their problems. He, in his turn, takes his facts from several assistants and under-secretaries.

*Political Officers.* There are several political officers under this department, variously known as Agents to the Governor-General, Political Agents, and Residents.

*The Agent to the Governor-General.* The Agent to the Governor-General is a political officer over a group of States who has direct political relations with the Government of India. He has under him several subordinates known as Political Agents attached to specified divisions of the group of States. Residents are ordinarily those political officers who are attached to single full-powered States who have direct relations with the Government of India.

Some of the States are under the direct political control of the Government of India, but there are many States which are under the control of the local Governments in whose province they are situated. The political officers of such States are responsible to the political department of the local Governments concerned, who in their turn are responsible to the Government of India.

*Powers of the Various Political Officers.* The duties and powers of these officials are very wide and vary greatly. They are not defined, there is no settled procedure regulating them, and no attempt has ever been made

to define them. Broadly speaking, their powers are as, if not more, arbitrary than those of the Princes themselves, and the extent of these powers varies with the length of the foot of the political officer concerned. A political officer may consider himself authorised and justified to intervene in the question of betrothal or marriage of a Prince, his daughter or sister, and can veto if he chooses a proposed betrothal or marriage, and he may refuse to intervene even though it can be proved that a Prince has committed murders, oppressed and terrorised his people, and is guilty of gross and scandalous misrule. It depends upon his arbitrary discretion. If a Chief is weak the political agent feels himself free to dictate to him how he should conduct his administration from day to day. If a Prince is strong-willed and audacious and is one of the busy-bodies of the Chamber of Princes, he may commit any number of outrages and the political agent feels powerless to interfere. Again, his policy must vary with the ever-changing policy of the Imperial Government and Government of India, which depends in one case on the party in power at home and in the other on the temper of a Viceroy for the time being. A strong Viceroy, like Lord Curzon, would permit brow-beating, intimidation, and pressure, and a good and generous Viceroy, like Lord Irwin, would content himself with delivering occasional pious sermons.

Again, these powers vary according to the class and importance of the State concerned. In smaller States they are supposed to be much wider than in the case of larger ones. But the fact to be noted is that nobody knows what these powers are ; the political officer himself does not know exactly in what circumstances he may or may not intervene, the Prince never knows himself when the political officer will or will not intervene, and the

people do not know when they may effectively invoke the intervention of the political officer. To add to all this, everything is conducted secretly. The Prince never knows what report has been made against him, and the people do not know what inquiry was made into their complaint and on what information or grounds the final order was passed.

How vicious and intolerable this system is will be best illustrated by the following observations of the Right Honourable V. S. Srinivasa Sastri in his famous Cochin address on "The Future of the Indian States." Referring to this irresponsibility of the political officials he said :

"Oftentimes when things go wrong Indian Princes and their friends point their finger to the Residency, and the Residency in its turn throws up its hands and points its finger to the palace. We as friends of both but committed desperately to neither, we who are anxious only to know the truth and have no partialities unless we own a partiality for the future of India and the attainment by her of dominion status on an equality with Australia, Canada, and Great Britain herself, we, I say, find it very hard to fix the responsibility. Very dangerous are the systems of official work where responsibility cannot be fixed, where one man can point to another and that other to a third, and they who are aggrieved and suffering cannot say to any party I have suffered at your hands. Dangerous, I say, in the extreme, undesirable, unworthy is the maintenance of an institution in which wrong could be done but no one could be held responsible. Secrecy, secret despatches, mysterious communications, orders and regulations which nobody can understand, which vary from State to State or from moment to moment in each State, these form the pabulum of a whole hierarchy

of officers, and the poor States and their Princes, ground down beneath this system, are from this point of view more to be pitied than condemned."

*Duties of Political Officials.* The duties of these officials are again as undefined as their powers and they cover a very wide field. They perform both executive and judicial, or rather quasi-judicial, functions and have also a lot of administrative work to do. On the executive side they have to carry out the orders of the Government of India, to collect and enforce payment of tribute and other Government dues, and generally to watch the administration of the States to which they are accredited and send secret and confidential diaries and reports about the Princes and their conduct.

On the judicial side they hear and decide disputes between States relating to boundaries and various territorial and other rights, regulate the extradition of criminals, try privileged persons, such as European British subjects and other nationals and so on. Besides these there is a special class of political officials who, in addition to their duties as diplomatic agents over Salute States with full powers of internal administration, have very wide ruling powers themselves. These are political officers attached to States and estates comprised in what is known as Western India States Agency and many other tracts made up of small estates in Bombay Presidency.

These officials exercise what is known as "Residuary Jurisdiction" in several States, which are called "non-salute" States having limited powers. This jurisdiction extends to the performance of legislative and judicial functions in these States which the States themselves have no power to perform.

In addition to these duties they carry on the administration of certain territories which belong to numerous landholders who are technically Chiefs paying tribute to the Government, but whose estates are very small, in some cases not exceeding 10 acres of land and revenue of £10 a year. There are about 150 such estates named for the purposes of levying tribute, but they are subdivided into a number of estates, and the subdivision goes on continually under the law of succession according to which each estate is equally divided amongst the heirs of a deceased holder who is technically called "talukdar." This process of divisions has reduced several estates to the size of an acre paying a tribute of a shilling or thereabouts.

The area of these territories is roughly 4000 square miles and the population about half a million souls. These estates are all enumerated in the list of Indian States published by the Government of India (1927).

For the purposes of administration these estates are grouped according to their geographical position into several divisions known as Thana Circles. Each such circle is placed under an officer called a "Thandar." Over a number of such circles there are superior officers called Deputy Political Agents, and over them there is an official called "Political Agent" whose immediate superior is the Agent to the Governor-General. All these officials have various executive and judicial functions.

The thandar's duties are to collect tribute, to manage estates of minors and encumbered estates, to collect a number of contributions for expenses of administration, such as police, education, medical relief, etc., which is distributed according to the area of land possessed by each holder, to give loans to poor estate holders, to recover

them, and generally to supervise the revenue administration of the estates. In addition to these administrative functions he acts as a civil judge and a magistrate. As a civil judge he has powers to hear and determine suits up to the value of £40, and in criminal matters he can inflict imprisonment up to six months and a fine of £15.

The deputy political agent has appellate powers over the thandar in both executive and judicial matters and general powers of supervision and control.

The political agent has similar powers over the deputy. Besides these he has many other original powers to hear and determine what are known as political suits between States, powers of a district magistrate over his division, powers to order attachment of small estates and carry on their management and so on.

The Agent to the Governor-General is the executive head of all these officials besides being charged with the duties of superintending and controlling the Salute States situated within the agency and acting as diplomatic agent of Government for them.

There are certain civil courts under him, viz. court of civil subordinate judge, district and session judge, and the court of the judicial commissioner.

All this administration and government of as many as half a million souls is carried on arbitrarily, and the powers to do so are not derived from any Act of Parliament or Indian legislature. It is the result of gradual evolution and growth, and originally it rested upon nothing but pure usurpation as Acts of State, and until 1858 it was carried on by the servants and agents of the East India Company under the direction and control of the Board of Directors.

In 1858, when the Government of India was taken over from the East India Company by the Crown, a question



arose as to the legal and constitutional position of Kathiawad. The then Resident of Baroda, Major Davidson, expressed an opinion that Kathiawad was British territory, but the Court of Directors repudiated that opinion.

The Government of India Act, 1858 (21 and 22 Vict., Chapter 106, s. 1, 2, and 3), took over the government from the East India Company, and all territories in possession of or under the government of the East India Company passed to the Crown by virtue of the Act of Parliament to be governed by and in the name of the Crown by a Secretary of State acting through the Governor-General of India in Council and responsible to British Parliament. The territories in Kathiawad, which were then under the direct administration of the agents of the East India Company, ought to have passed under the Government of India by virtue of the provisions of section 1 of the Act of 1858, which vested all *territories under the Government* of the East Indian Company in the Crown, but somehow or other no change was made in the nature or form of administration in Kathiawad and it continued as before.

In the year 1863 the question whether Kathiawad was British or foreign territory was raised and three members of the Government of Bombay, including Sir H. B. E. Frere, K.C.B., the then Governor of Bombay, laid it down as their considered and definite opinion that Kathiawad was British territory. In paragraphs 29 and 30 of his minute dated 21st March, 1863, Sir H. B. E. Frere states as follows :

“ The question whether Kathiawad is a part not only of British India but of the Bombay Presidency may admit of more question, but I can see no reason to doubt that it is, if not part of, certainly annexed to the Bombay Presi-

dency and liable to all laws to which the Presidency at large is liable.

“ It may be that this conclusion may lead to important consequences regarding the subjection of the province to particular laws and particular courts, but I see no escape from the conclusion ; and even as regards its inconvenience it seems to me that nothing could well be more inconvenient than the alternative which is inevitable that Kathiawad is neither British nor foreign territory, that its inhabitants are neither British subjects nor foreigners and owe no allegiance to the British Crown or to any other known power, while they do not themselves possess any independent sovereign right even of the most limited description.”

Mr. W. E. Frere, another member of the Government of Bombay, in his minute dated 19th April, 1863, supported the opinion of H. E. the Governor and in doing so expressed himself as follows :

“ I am fully prepared to adopt the view His Excellency the President takes of the status of Kathiawad, though it is certainly new ; but the arguments so strongly supported by facts prove that though we have hitherto claimed sovereignty over the whole of Kathiawad, there can be no doubt we have derived that right from the Maharathas and the House of Delhi, and have on several occasions acted as possessed of those rights.”

The Honourable Mr. J. D. Inverarity, the third member, in his minute dated 19th May, 1863, was still more emphatic in his opinion that Kathiawad was British territory, and in paragraph 13 of the minute he stated :

“ I conceive there can be no doubt that Kathiawad was under the general Government of the late East India

Company and therefore was transferred from the Government to the British Crown in 1858."

The Government of India in forwarding these minutes to the Secretary of State for India by their letter No. 70, dated 14th April, 1864, stated in paragraph 3 as follows :

"Our minutes set forth the various considerations which bear on this important question, and we can leave the ultimate decision to Her Majesty's Government, which will perhaps deem a reference to law officers of the Crown advisable."

The question was not, however, referred to the law officers of the Crown as suggested by the Government of India, and the administration was carried on arbitrarily.

The question of introducing reforms in the administration of the province was, however, urgently raised by Col. Keatinge, the then Political Agent in Kathiawad, and after a lengthy correspondence between the Bombay Government, the Government of India, and the Secretary of State for India very far-reaching reforms were at last introduced in 1866.

Those reforms took the shape of classifying the States into seven classes and defining the civil and criminal powers of each class. The powers of the first and second class were confirmed as they were in 1857, and those of the other five classes from 3rd to 7th were defined. They vary from the powers of a sessions judge to powers to try petty offences in criminal matters, and in civil matters powers to hear and determine suits of the value of £3 to £1500. The rest of the powers were reserved by Government of India to be exercised through the political officers.

At first altogether 224 States were formed, out of which, leaving aside 12 first and second class States which formerly existed, 212 States were newly created. The

principle followed in assigning a particular class to a particular Chief was the number of villages he possessed, his income, and his other status. Even landholders possessing one or two entire villages were placed in the sixth and seventh class.

There still remained about 206 individuals whose possessions were no more than a fraction of a village to whom it was impossible to assign any class. These, who were no more than mere peasants, were placed under the direct administration of political officers.

It appears that in course of time of the newly created 212 States, those of the lower classes from fifth to seventh, gradually disappeared through a process of subdivision of their estates among their sons in succession, and they too were reduced to mere peasantry. Some of them were found absolutely incompetent to exercise their powers, others abused them, and they were all deprived of their powers. It seems that all the lower-class States, except those that exist at present, were absorbed into the Agency area and passed under the direct administration of the British Government. (See papers regarding Keatinge Classification and paper book Privy Council in Hemchand vs. Sakerlal (1906), appeal cases, page 237.)

As for the law and system of government followed in territories under the direct administration of the political agency, it appears that no settled procedure was adopted in the beginning. At times the political agent on his own authority framed rules and applied them to agency areas. Whenever he thought it necessary he obtained the sanction of Bombay Government. Sometimes the Bombay Government issued notifications and gave them the force of law ; at times Government of India issued their own orders and decrees as law ; this state of affairs continued till 1902.

It seems, however, that considerable doubts arose as to the power of the Political Agent, the Bombay Government, and the Government of India to make laws and regulations for Kathiawad, as none of these bodies could point to any Act of Parliament conferring these powers upon it, and after the passing of the Government of India Act 1858, which defined the powers of the Governor-General of India-in-Council, he had no more powers than those which the Act conferred upon him.

Presumably with a view to removing all these doubts, an Order-in-Council was issued by His Majesty-in-Council in 1902 known as the foreign jurisdiction Order-in-Council, conferring upon the Governor-General-in-Council power to carry on arbitrarily the administration of these territories. Since then all notifications are issued under the authority of this Order-in-Council ; the Governor-General-in-Council is empowered to delegate all powers conferred upon him by this order to any officer of the British Government, and practically all his powers are delegated to the Agent to the Governor-General who rules over these territories just as arbitrarily as the Princes. I will illustrate his arbitrary rule by a few specific instances.

(1) A Chief named Darbar Shree Gopaldas Desai of Rai Sankli was a very fine man. He managed his estate very well. He levied no taxes on his people and only took what they willingly paid, and he was beloved of his people. He was their real Rama. He had taken to khaddar dress. Lord Lloyd, then Governor of Bombay, was to visit Kathiawad and a darbar of Princes was to be held to honour him. Gopaldas was ordered to be present at the darbar. He said he would appear in his usual khaddar dress. He was asked to appear in ornamental princely attire. He expressed his inability to do so. For

this offence he has been represented as disloyal and dangerous and deprived of his powers and estate for the last ten years, and his estate reduced to rack and ruin, while scores of tyrannical Chiefs of his class who are oppressing their people and living in all sorts of extravagance and vice are not touched, but supported in their misrule because they know how to keep the political officers in good-humour who represent them as very loyal.

(2) One of my clients had a stack of hay worth about £1000. The superintendent of Agency Police seized it without his consent for the use of Agency horses ; he protested and demanded its market value. It was not paid. My client filed a suit in the civil court of the Agency ; the suit was not accepted but returned ; he appealed ; the appeal was summarily rejected ; he applied to Government ; they threw out his application. After one year he was paid what the Political Agent thought proper, and the amount he received was one-fourth the value of his hay. This case is reported in Kathiawad Law Reports, 1919.

(3) Mr. D. B. Shukla, a prominent barrister of Rajkot, and Mr. K. J. Baxi, an eminent citizen of the Civil Station, were holding a public meeting to protest against the high-handedness of a certain State. Their presence at the meeting was a guarantee that the meeting would do nothing which would be unlawful ; there was no notification prohibiting such a meeting. The Agent to the Governor, the late Sir Evan Maconochie, went to the meeting personally and by a verbal order dispersed it.

(4) Messrs. Mansukhlal R. Mehta and Manilal V. Kothari, two leading gentlemen of Rajkot Civil Station, were arbitrarily arrested, put in prison for three days, and

banished for protesting against a programme of shooting birds arranged for Lord Lloyd, the then Governor of Bombay, in contempt of the religious sentiment of the whole Jain community of the Civil Station.

(5) Very recently the Agent to the Governor-General has issued the following notification taking powers to banish any man he chooses without giving any reasons or even opportunity to explain or defend himself; even a native of the Civil Stations can be so banished. (Vide *Western India States Agency Gazette*, Vol. 76, No. 52, pp. 350, 351.)

“ In exercise of the powers delegated under the Indian (Foreign Jurisdiction) Order-in-Council, 1902, by the Governor-General-in-Council in the Government of India (Foreign and Political Department). Notification No. 472-1, dated the 3rd October, 1924, and of all other powers enabling him in this behalf, the Honourable the Agent to the Governor-General in the States of Western India is pleased to prescribe the following rules . . . for the removal and exclusion of certain persons from the Civil Station area of Wadhwan and Rajkot in Kathiawad :

“ The Agent to the Governor-General in the States of Western India, if he thinks it expedient to remove or exclude any person from the Civil Station area of Wadhwan Rajkot, may, *whether with or without assigning any reason thereof*, send to the Political Agent, Eastern Kathiawad Agency at Wadhwan, officer in charge Rajkot Civil Station, an order in writing to that effect, and the Political Agent, officer in charge Rajkot Civil Station, shall cause a copy of the order to be served on such person if he is already in the said area; or to be served upon such person immediately on his entering the said area, together with a notice requiring him to remove from the said area

within a time to be specified in the notice, and not to reenter it without the permission in writing of the Honourable the Agent to the Governor-General. . . .

“ By order of the Honourable the Agent to the Governor-General in the States of Western India,

Sd./ C. P. HANCOCK, Captain,  
Secretary to the Hon'ble the Agent to  
the Governor-General in the States of  
Western India.

Many prominent citizens submitted a petition protesting against this most amazing law for which no occasion had arisen or necessity been shown, and the only relief given is that a native of the Civil Station will be given an opportunity to explain before he is banished. The amendment is as follows (vide *Western India States Agency Gazette*, Vol. 77, No. 10, p. 56) :

(1) “ A colon shall be *substituted* for the full stop at the end of Rule 3.

(2) “ The following proviso shall be *inserted* under Rule 3, namely :

“ Provided that this Rule shall not be put into force against any *bona fide* inhabitant of the Civil Station of Wadhwan Rajkot until he has been given an opportunity of showing cause why the Rule should not be enforced against him.

“ By order of the Hon'ble the Agent to the Governor-General in the States of Western India,

C. P. HANCOCK, Captain,  
Secretary to the Hon'ble the Agent to  
the Governor-General in the States of  
Western India.



Thus the representative of the British Government, whose duty it is to prevent arbitrary rule of the Princes, himself issues such arbitrary laws and sets a bad example for Princes to follow.

The Agent to the Governor-General is supposed to be responsible to the Governor-General-in-Council, but it is only in theory ; in practice any and every arbitrary act done by him is supported on consideration of prestige, and the only reply to every complaint submitted to Government against the highhandedness of the political officers is a printed memo saying " Government sees no reason to interfere." " Government have rejected your petition."

The main work of administration of these areas lies in maintaining all these thousands of ancient aristocracy in a life of indolence and vice. Go to any village in this part and you find several of these aristocrats honoured of the British Government sitting at the village gate in rags with their pegs of opium in hand, hookas (hubble-bubbles), and indulging in idle gossip, refusing to be educated, and insisting upon doing nothing all their lives except living upon the labours of their poor cultivators and extorting as much from them as possible. By their extravagant and vicious lives they invariably find themselves involved in heavy debts, and as their lands cannot be sold because they are liable to tribute, when debts accumulate Agency take temporary possession of their land, manage it for them for years, liquidate their debts, and hand it over to them free from debts ; they again contract debts, again Agency intervene, and the process goes on endlessly ; several thousands of estates are thus managed by the Agency, and doles are paid to thousands of these descendants of ancient and illustrious chiefs, though nobody knows who they were ; their only use-

fulness is to be a source of constant trouble to Government and annoyance to their people. All this time the subjects and cultivators suffer, their houses remain in a dilapidated condition, and no services except very poor education and little medical relief are available to one person in a hundred. While the whole world has advanced, and even people in British India are almost in reach of self-government, these people in Agency areas remain most backward with no hope for their emancipation.

This has been so for the last seventy-five years under exclusively British administration, and nobody has ever cared to inquire what is to be done with these areas and how long this vicious system is to continue. It is not the business of the Simon Commission to inquire, because it does not fall within their statutory terms of reference ; it was not the business of the Butler Committee, because this question was not referred to them, nor is it the business of the Government of India, because the Agent to the Governor-General has not reported. The Agent to the Governor-General does not think it necessary to report, because it is a good preserve for full enjoyment of autocratic powers, and people do not ask for an inquiry and are evidently content to live under his benign rule. People do not speak or show discontent, because they are liable to be summarily expelled under the order cited above and even without any order whatever.

In reply to questions put by Mr. S. Saklatvala in the House of Commons on the 19th November, 1928, Earl Winterton, the ex-Under-Secretary of State for India, gave the following evasive replies about the position of these areas :

Q. : What is the local area and total population of territories placed under the direct administration of the Western India States Agency ; are the people in

these territories considered British subjects purely, or do they owe allegiance to any other sovereign authority ; what rights of representation do these people possess as British subjects ; what voice have they in matters of taxation and general administration conducted by British officials ; and to whom are these British officials responsible for their policy and conduct of affairs ?

EARL WINTERTON : The total area of the territories included in the Western India States Agency is about 35,000 square miles and the population about 3 millions. The people of these territories are not considered British subjects, but owe allegiance to the Rulers of the various States, and no question arises therefore of their having rights of representation as British subjects. The British officials employed in the Agency are responsible, through the Agent to the Governor-General, to the Government of India. If the hon. member's question is intended to be limited to petty estates or other areas in which the functions of the officers of the Agency may for various reasons be more directly administrative, I regret that I have not the detailed information that would be required to answer the question.

Q. : Will the right hon. gentleman make it clear, if the British Political Agents are responsible to the Governor-General, the British Viceroy, what right the people in these Agencies have to approach the same officer with regard to their grievances or to maladministration ?

EARL WINTERTON : I think that I have answered the question on the Paper fairly fully in my original answer. It is impossible within the compass of a Parliamentary answer to explain the divergent and varying conditions in this Agency.

## CHAPTER XVIII

### THE CHAMBER OF PRINCES

**I**N Chapter X of the Montagu-Chelmsford Report on Constitutional Reforms in India, dealing with the question of Indian States, certain suggestions were made (*vide* paragraph 306) presumably as preliminaries to the ultimate realization of the ideal laid down in paragraph 349 of the Report.

In pursuance of these suggestions the Chamber of Princes, styled the Narendra Mandal, was inaugurated at Delhi by H.R.H. the Duke of Connaught on the 8th February 1921. A proclamation from His Majesty the King-Emperor was read in which the hope was expressed that "the united counsels of the Princes and Rulers, assembled for formal conclave, will be *fruitful of lasting good both to themselves and their subjects* and by advancing the interests that are common to their territories and to British India will benefit my Empire as a whole." The proclamation further stated "that the Chamber will be a means by which the bonds of mutual understanding will be strengthened and the growing identity of interests between the Indian States and the rest of my Empire will be fostered and developed."

H.R.H. the Duke of Connaught while opening the Chamber earnestly reminded the Princes that increased opportunities bring in their train responsibility. He said, "I know well that your Highnesses will appreciate the trust reposed in you by His Imperial Majesty and his

Government, and will worthily respond both as pillars of the Empire and *as Rulers* striving ever for the greater happiness and prosperity of your own subjects."

*Constitution.* The membership of the Chamber is restricted to Salute States which could be members in their own right, and certain other States not having full powers of internal administration were represented in groups, each group having a representative member. Out of 118 full power or Salute States 108 joined the Chamber, and others, such as Hyderabad (Nizam), Mysore, Travancore, Cochin, Baroda, and Indore, did not join on grounds *inter alia* that it would be highly improper for ruling Princes to commit themselves on their own individual responsibility to views and policies which might not command the general approval of their subjects, and that it would be inexpedient for a Prince to speak and act except upon the advice and through the instrumentality of his ministers owing to the insufficiency of his own information and experience as well as of his power of debate. There are 127 non-Salute States represented by 12 representative members. The total membership is thus 120.

*Its Non-Representative Character.* It should be borne in mind that having regard to the fact that in not a single State represented in the Chamber of Princes is there a representative assembly constituted on an elective basis, and the fact that States like Hyderabad (Nizam), Mysore, Travancore, Cochin, Baroda, and Indore, in most of which there are Representative Assemblies, and the States and estates not represented at all, whose collective area is 145,328 square miles, population 27,396,597 souls, and revenue Rs.172,851,000 or £12 million sterling,

as against area of 446,404 square miles, population of 40,454,803 souls, and a revenue of roughly Rs.29 crores or £20 million sterling of the States represented in the Chamber, the Chamber can lay no claim to reflect the views of the people of the States at all nor of all the ruling Princes, and it is clear that the views of the Chamber are merely the views of the individual Princes represented in the Chamber. Here also it is important to note that the attendance in the Chamber at the most liberal estimate is never known to exceed forty at any session, and of those Princes who attend few take active part in the deliberations, and others sit like dummies nodding their heads at everything that passes.

*Its Powers and Functions.* The following observations of Sir P. S. Sivaswamy Iyer, in his work on *Indian Constitutional Problems*, will show the nature of the powers, functions, and responsibility of this body :

“ It is only an advisory and consultative body. Its main purpose is to provide an opportunity for the Princes to express their views on subjects either affecting their order as a class or affecting the States and British India. The Princes are not satisfied with the functions assigned to this body, and the attitude of many Princes who have joined it is also indifferent. The Princes are jealous of their status and are afraid of being treated as equals among themselves, some of them are not prepared to meet each other in the Chamber on terms of apparent equality, nor are they prepared to concede the principle of decision by a majority which is at the basis not merely of democratic rule but also of every corporate organization. They are afraid of the levelling tendency of any organization of this sort and object to the process of levelling up as much as to that of levelling down. They are

anxious that no decision which may be arrived at in the Chamber of Princes should be binding upon those who do not attend the sessions of the Chamber, nor even upon the member who attends the session without subsequent ratification. Even in matters of common interest some of them are anxious that they should be individually consulted by the Government of India, and that they should have the right of access directly to the Viceroy for the purpose of making any representation."

*Its Deliberations.* From its inauguration up to this year, the proceedings of the Chamber have been held *in camera*, presumably because their publication may throw light upon some dark and ugly corners of the political department, or into many ugly cupboards of the Princes themselves, as observed by Sir P. S. Sivaswamy Iyer. All that the world knows about the work of nine years during which this chamber has existed, is that the Viceroy, while opening a session delivered his usual sermon, thanking the Princes for their able advice, emphasizing the importance of the agenda, reminding them of their responsibility for the progress and advancement of their people, and expressing a hope that their deliberations would lead to very important and far-reaching results. No one knows whether the importance of establishing representative institutions or responsible government above everything else has ever been thought of or discussed. It appears, however, that a couple of years back some half-hearted, halting resolution was adopted to the effect that the Chamber recognised the usefulness of fixing the privy purses of the Princes, establishing independent judiciaries and ensuring security of tenure in public services. The exact terms of the resolution are not known, but the resolution remained on paper, and no Prince is known to

have given real effect to it. Very recently, as on 25th June this year, when a meeting of the members of the Standing Committee of the Chamber took place in Bombay to consider the Butler Committee Report, a resolution is said to have been passed pointing out to the Princes the need of expediting the reforms outlined in the previous resolution.

All the rest of the business, it is surmised, was confined to the discussion of all sorts of claims made by the Princes on the Government of India and the enumeration of grievances on the score of illegal and unjust encroachments upon their rights spread over about one hundred years. About two years back all these grievances were clarified into twenty-three points, and during the nine years agreements on nine of the points had been reached, as appears from paragraph 34 of the Butler Committee Report. It seems that on the other fourteen points the Government of India and the Princes could not agree.

But it appears that the most important of all the questions that were engaging the attention of this Chamber was their exact political relationship *vis-à-vis* the Government of India and the British Government, and the settlement of this question became very urgent, as the question of establishment of full responsible Government in India was being keenly felt.

As appears from paragraph 2 of the Butler Report, the request for an enquiry into this question originated at a Conference convened by His Excellency the Viceroy at Simla in May 1927, when a representative group of Princes asked for the appointment of a special committee to examine the relationship existing between themselves and the Paramount Power, and to suggest means for securing effective consultation and co-operation between



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British India and the Indian States and for the settlement of differences.

The Princes also asked for adequate investigation of certain disabilities under which they felt that they laboured.

## CHAPTER XIX

### THE INDIAN STATES INQUIRY COMMITTEE

**T**HUS the Indian States Enquiry Committee, otherwise known as the Butler Committee, was appointed.

It was merely a departmental Committee and not a Commission, and its object was to advise His Majesty's Secretary of State for India, as stated by Earl Winterton in the House of Commons in answer to questions by Col. Wedgwood and Commander Kenworthy. (See Parliamentary Debates, Vol. 223, No. 15.)

*Its Personnel.* Of the three gentlemen appointed on this Committee, Sir Harcourt Butler, the Chairman, had some experience in the political department of the Government of India, Mr. Sydney Peel was an expert on financial and economic questions, and Mr. (now Sir) W. S. Holdsworth, an eminent professor of law and legal history.

*Scope of the Enquiry.* The terms of reference of the Committee were as follows :

(1) To report upon the relationship between the Paramount Power and the Indian States with particular reference to the rights and obligations arising from (a) treaties, engagements, sanads, (b) usage, sufferance, and other causes, and

(2) To enquire into the financial and economic relations between British India and the States and to make any recommendations that the Committee may

consider desirable or necessary for their more satisfactory adjustment.

It will be clear from para. 1 of the terms of reference that the Committee were asked to find the existing relationship of the States with the Paramount Power only, and not to make any recommendation as to what that relationship was to be in future or how it was to be regulated, nor were they asked to express any opinion in that respect.

The Committee themselves admit this in para. 1 of the Report, where they say Part 1 refers *only to the existing relationship between the Paramount Power and the States*. Part 2 refers *not only* to the existing financial and economic relations between British India and the States, but also invites them to make recommendations for the future.

*Its Procedure.* The procedure adopted by the Committee was highly objectionable and unintelligible from beginning to the end. The whole enquiry was held in secret, and the public were not admitted to it.

*Analysis of the Report.* The Report discusses its terms of reference and reasons for the Committee's findings on them in four parts. The first part takes a historical survey of the relationship between the Paramount Power and States, and covers paras. 10 to 37. The second part is devoted to a more detailed examination of this relationship and covers paras. 38 to 58. Thus paras. 10 to 58 are devoted to the consideration of the first term of reference. The third part deals with the financial and economic relations between British India and the States, and considers the machinery in paras. 59 to 78, and the fourth part proceeds to make specific proposals in the matter of financial and economic relations in paras. 79 to 105. Para. 106 contains general conclusions.

*Study of the Report.* (Note—Except where otherwise stated the italics are all mine.) Paras. 10 to 14 are in a sense introductory and describe briefly the geographical and political position, classification, area, population, size, revenue, and importance of the States, and romance connected with them, and are not relevant to the enquiry except as a statement of the problem. The statement in para. 10 that “politically there are thus two Indias: British India governed by the Crown according to the statutes of Parliament and enactments of the Indian Legislature, and Indian States under the Suzerainty of the Crown and still for the most part under the personal rule of their Princes. Geographically India is one and indivisible, made up of the pink and the yellow. The problem of statesmanship is to hold the two together.” This is quite a correct statement of the position, and much misapprehension appears to have been caused in India by the statement that “politically there are two Indias,” but this is a bare statement of fact and need cause no alarm that it is an attempt to divide India permanently. On the other hand, the statement that “the problem of statesmanship is to hold the two together” is in a sense a hopeful statement. If the Committee had said “the problem of statesmanship is how to make them one” they would have expressed their meaning more clearly.

The statements in para. 15 are objectionable, because in the first place it was no part of the Committee's business to enquire how the States were governed or what was the nature of the administration in them, and the information on which the statements are based must in its nature be *ex parte*, since the Committee can have had no means of testing its accuracy or reliability. The statements though cautious and guarded are yet wrong. The thirty Legisla-

tive Councils said to have been established, apart from being of a consultative nature only, do not function regularly, and some of them do not exist at all except on paper, as for example the Jamnagar Assembly, referred to in Chapter VIII. The statement that 40 States out of 108 in Class I have constituted High Courts more or less on British Indian models is absurd on the face of it. The High Court judges in British India are very learned and experienced men, appointed by His Majesty and not removable except by an address by the House of Commons and are thus absolutely independent of the Executive Government of India, including the Viceroy. The laws they administer are Acts of the British Parliament and duly constituted Indian Legislatures, and they have powers to hear suits against Government, issue writs of *habeas corpus*, and execute their orders and decrees. There is not a single High Court which can come anywhere near the British Indian High Court because no State has anything like a constitutional Government. It is indeed lamentable that the responsible members of the Butler Committee should have made such a statement without proper thought ; then it is said that thirty-four have separated the Executive from the Judicial functions. This too is an equally misleading statement. No court is or can be independent of the Executive, which is the Prince himself, who at his sweet will can ignore law and override the powers or orders of any court of justice. Separation of Executive and Judicial functions in such a state of things is obviously impossible. Apparently the Princes made this statement verbally to the members of the Committee and they took it for granted. Then it is said that fifty-six have a fixed Privy Purse. I cannot help saying that this statement is the most misleading of all. What this Privy Purse is and what expenses are met

from it is not stated ; as a matter of fact it is only their pocket expenses, such as cigarettes, presents to courtiers, and possibly wardrobe. All other palace expenses are debited to public accounts. Take for example the cases of H.H. the Maharajah of Bikaner, the loudest in swearing that he has fixed his Privy Purse to 10 per cent of his revenues, who debits all his residential palace expenditure on repairs, etc., to civil works. In the Bikaner Administration Report for 1926-27 there are forty-seven items of such repairs, and only four items of real civil works of public utility costing only 5 per cent of the total amount shown against civil works which is about £40,000. In the Administration Report of Jamnagar for the year 1925-26 the item of Civil List is stated as Rs.480,000 or roughly £40,000, and all other personal expenses enumerated under the head of palace expenses amount to £125,000, together £165,000, which comes to 20 per cent of the total revenues. In addition to this there is an item of £200,000, all spent on motor-cars, palaces, etc., which are separate from palace expenses, and the total comes to £375,000 or almost 50 per cent of the revenues. In the year 1926-27 the figures of expenses on these items are still more staggering : £600,000, of which £200,000 are mentioned as unforeseen. In face of these facts this Maharajah evidently swore before the Butler Committee that he had a fixed Privy Purse, and the Committee took him at his word, presumably because it was the word of an " Indian Maharajah." Further comment on this paragraph is needless.

Para. 16 is correct in so far as it refers to classification, etc. It was absolutely necessary to append the treaties with forty States and engagements and sanads which the Committee think are in force at present as an appendix, so that the world could have seen at once what these

treaties were, but for reasons best known to the Committee they have not thought it fit to do so. The omission is indeed unintelligible.

The important and really relevant part of the Report begins with para. 18 and the succeeding paras. up to 58 which contain an examination, discussion, and findings of the Committee on the contentions put forward by the Princes with regard to the first part of the terms of reference.

The contentions advanced by the Princes may be summarised as follows :

*Princes' Contentions.*

(1) That the Princes were " independent sovereigns " and possessed a sort of an " international " or at least a " quasi-international status."

(2) That their political relations were direct " with the Crown of England," and that the Crown was the Paramount Power and not the Government of India, even as at present constituted.

(3) That " Paramountcy " of the Crown was strictly limited by the terms of their treaties, engagements, and sanads, and that the Paramount Power had no other rights or powers over them.

(4) That all other powers claimed and exercised by the Paramount Power were not justified, and all acts of intervention, etc., not authorised by the treaties, engagements, and sanads and based on " usage," " sufferance," and " other causes " were unjust and not supportable.

The Committee have definitely rejected all these contentions, as will be presently shown ; of course, in doing so they have used language calculated to cause as little disappointment to the Princes as possible, even at the

risk of looking often ambiguous and inconsistent in some places. This was as it should have been, having regard to the very high hopes the Princes had entertained, their great position, and the position of the eminent counsel who argued their case.

*Decisions of the Committee.* First contention : "Independent Sovereignty," etc. The following is the definite finding of the Committee on this point :

*"It is not in accordance with historical fact that when the Indian States came into contact with the British Power they were independent ; each possessed a full sovereignty and a status which a modern international lawyer would hold to be governed by rules of international law. In fact, none of the States ever held international status. Nearly all of them were subordinate or tributary to the Moghul Empire, the Mahratta supremacy, or the Sikh kingdom and dependent on them. Some were rescued, others were created by the British."* (Para. 39.)

" . . . It may perhaps be worth observing that according to the more precise language of modern publicists, "sovereignty" is divisible but independence is not. Although the expression 'partial independence' may be popularly used, it is technically incorrect. Accordingly there may be found in India every shade and variety of sovereignty, *but there is only one independent sovereign—the British Government.*" (Para. 44.)

There is no ambiguity in this language.

Second contention : Direct relations with the Crown. The Princes in putting forward this contention evidently meant that they were entitled to communicate directly with the Crown of England, and as a corollary to this they contended that they were not subordinate to the Government of India which, according to them, was the



Government of *British India* only, and they were therefore entitled to deal with and treat the Government of India on terms of equality, or in other words they meant that "Paramount Power" over them being the Crown, the "Viceroy" was the Agent of the Crown in dealing with them and not the "Governor-General of India-in-Council" who was the Agent of the Crown in the Government of "British India" only.

Now let us first see the findings of the Committee on this point.

We agree that the relationship of the "Paramount Power" is a relationship to the "Crown," that the treaties made with it are treaties made with the Crown, and that those treaties are of continuing and binding force as between the States which made them and the Crown. (Para. 39.)

The words "Paramount Power" and the "Crown" used in this context are clearly explained in para. 18 of the Report as follows :

"The 'Paramount Power' means *the Crown acting through the Secretary of State for India and the Governor-General-in-Council who are responsible to the Parliament of Great Britain.*"

This clearly shows that "Direct Relations" with the "Crown" means nothing else than relations with the Governor-General-in-Council or the Government of India acting as Agent of the Crown, as constituted at present by Acts of Parliament from 1858 onwards.

The Princes' claim was pitched so high as to say that all the Government of India Acts from 1858 onwards, in so far as they constituted the Government of India as Agent of the Crown and vested in them the rights and the powers which the Crown possessed over the Indian

States, were *ultra vires* of Parliament and gave the Crown more powers than it had acquired through its former agents the East India Co., who were replaced by the Government of India by the Act of 1858.

The Committee hold that this contention is untenable ; dealing with this contention they say in para. 18 as follows :

“ Until 1835 the East India Co. acted as trustees of and agents for the Crown ; but the Crown was through the Company the Paramount Power. The Act of 1858, which put an end to the administration of the Company, did not give the Crown any new powers which it had not previously possessed. It merely changed the machinery through which the Crown exercised its powers.”

Thus it is difficult to comprehend what the term “ direct relations with the Crown ” means, and how these relations are distinct and distinguishable from “ relations with the Government of India as Agents of the Crown constituted by the Government of India Acts from 1858 onwards. The term “ Crown ” in the English constitution means the King in Parliament acting through responsible ministers. In India it acts through the Secretary of State for India and Governor-General-in-Council, both bodies created by the Acts of Parliament, and thus the theory of direct relations with the Crown loses all its meaning. The Committee do not say that direct relationship means relationship with the Crown as distinguished from the Government of India, or in other words they do not say that Government of India as at present constituted are not the Agents of the Crown in dealing with the Indian States. Thus the finding of the Committee on this point clearly negatives the contention of the Princes as put forward by them. This finding

agrees with the finding of the Nehru Report and in no way differs from it, as will appear from the following observations in that Report :

“ The constitutional position at the present moment, notwithstanding some vagueness that may surround it, is by no means difficult to understand. It is claimed that according to true constitutional theory the Indian States are and have been in relation with the Crown, whether their treaties were with the East India Company or the British Crown, or whether they have been entered into since 1858 with the Government of India. Now it is obvious that the Crown under the Constitution does not mean the King alone. It is a convenient constitutional phrase used to indicate the King-in-Parliament. Before 1858, the East India Company exercised sovereign rights, under powers delegated by the ‘ Crown,’ and since 1858 those powers have been exercised under delegated authority by the Government of India and the Secretary of State who is an integral part of the machinery established by Parliament for the Government of India. Section 67 of the Act of 1858 provided that ‘ all treaties made by the said Company shall be binding on Her Majesty,’ and similarly section 132 of the Act now in force, provides that ‘ all treaties made by the East India Co., so far as they are in force at the commencement of this Act, are binding on His Majesty.’ In point of fact, the enforcement of those treaties, the fulfilment of the obligation of those treaties, have hitherto been among the normal functions and duties of the Government of India, subject to a so-called ‘ appellate ’ or supervisory jurisdiction of the Secretary of State for India. It is inconceivable that any Indian Prince could, under the present Constitution, ignore the Government of India or the Secretary of State and take up any matter relating to such ob-

ligations with the King or with His Majesty's Government."

There is absolutely no difference between these observations of the Nehru Committee and those of the Butler Committee in para. 38 read with para. 18 of their Report.

Again in para. 62 of the Report dealing with the question of financial and economic relations, the Butler Committee observe: "*under that system the Agent for the Crown is the Governor-General-in-Council.*"

In para. 67, in suggesting the machinery for the adjustment of financial and economic relations in order to meet the objection of the Princes to the present system, which makes the Government of India both a party and a judge in this matter, the Committee merely make the following recommendation as a temporary or *pro tanto* arrangement:

"*For the present* it is a practical necessity to recognise the existence of two Indias and to adapt machinery to this condition. To this end we advise that *in future* the Viceroy—not the Governor-General-in-Council, *as at present*—should be the Agent for the Crown in all dealing with Indian States. *This change will require legislation.* The words 'in future,' 'as at present,' and 'this change will require legislation,' clearly show that under the present constitution, the Governor-General-in-Council, as the head of the Government of India, is the Agent of the Crown for the whole Government of India, including the Indian States, and direct relations with the Crown mean nothing else than relations with the Government of India as the Agent of the Crown, and Paramount Power means the Government of India as Agent of the Crown."

The fact that in the opinion of the Committee, as expressed in paras. 58 and 67 of the Report, this constitutional arrangement should be altered in future, and

the Indian States should be taken out of the control of the Government of India and placed under a Viceroy not responsible to Indian legislature, is a different matter altogether and will be discussed in detail hereafter ; but this opinion far from admitting the Princes' theory of direct relations, positively negatives it in that the Committee recommend legislation to effect this change, which would not be necessary if the Princes' contention was upheld and the Committee had said that the present position was illegal and the Acts of Parliament, which vested the powers in the Government of India, were invalid and *ultra vires* of Parliament.

Some eminent lawyers in India said that the Princes' theory of direct relations with the Crown was upheld, but I am afraid it was a hasty opinion based upon an imperfect study of the Butler Report. I have shown that the opinion of the Butler Committee is identical with that of the Nehru Committee ; though the language chosen by the Butler Committee is necessarily unhappy and a little ambiguous, while the language of the Nehru Report is clear and explicit ; however, there is no doubt whatever that the opinion of both is the same.

Sir C. P. Ramaswamy Aiyer, one of our eminent constitutional lawyers, in his interview to the *Hindu*, appears to agree with this view of the finding of the Butler Committee. He is reported to have said, "It is evident that the labours of Sir Leslie Scott have not contributed to any particular results. . . . To put it shortly, what has happened is that the *status quo ante* has been preserved with regard to the relationship between the Paramount Power and the Princes . . . The Butler Committee has come and gone, and it may be said freely to have crossed the 't's' and dotted the 'i's' of the present political practice. . . . It may also be noticed that the theory as a nexus between

His Majesty the King, as apart from the Parliament and the Princes, on which so much insistence was laid by Sir Leslie Scott, has not been encouraged by the Committee."

Third and fourth contentions : That the Paramountcy of the Crown was strictly limited by the terms of their treaties, engagements, and sanads, and that the Paramount Power had no other rights or powers over them ; that all other powers claimed and exercised by the Paramount Power were not justified, and all acts of intervention, etc., not authorised by the treaties, engagements, and sanads, and based on " usage," " sufferance," and " other causes," were unjust and not supportable.

These contentions have been most emphatically rejected.

Dealing with these contentions, the Committee says :

" On the other hand, we cannot agree with certain statements and arguments that occur in this opinion. The relationship of the Paramount Power with the States is not a merely contractual relationship, resting on treaties made more than a century ago. It is a living, growing relationship, shaped by circumstances and policy, resting, as Professor Westlake has said, on a mixture of history, theory, and modern fact. The novel theory of a Paramountcy agreement, limited as in the legal opinion, is unsupported by evidence, and is thoroughly undermined by the long list of grievances placed before us which admit a paramountcy extending beyond the sphere of any such agreement, which the learned authors of the opinion rightly condemn, that the treaties must be read as a whole. (Para. 39.)

" We cannot agree that usage in itself is in any way sterile. Usage has shaped and developed the relationship between the Paramount Power and the States from the earliest times, almost in some cases, as already stated,

from the date of the treaties themselves. Usage is recited as a source of jurisdiction in the preamble to the Foreign Jurisdiction Act, 1890 (53 and 54 Vict. C.37), and is recognised in decisions of the Judicial Committee of the Privy Council. Usage and sufferance have operated in two main directions. In several cases, where no treaty, engagement or sanad exists, usage and sufferance have supplied its place in favour of the States. In all cases usage and sufferance have operated to determine questions on which the treaties, engagements and sanads are silent ; they have been a constant factor in the interpretation of these treaties, engagements and sanads ; and they have thus consolidated the position of the Crown as Paramount Power. (Para. 40.)

“ It is not in accordance with historical fact that paramountcy gives the Crown definite rights and imposes upon it definite duties in respect of certain matters only, viz. those relating to foreign affairs and external and internal security, unless those terms are made to cover all those acts which the Crown through its Agents has considered necessary for Imperial purposes, for the good Government of India as a whole, the good Government of individual States, the suppression of barbarous practices, the saving of human life, and for dealing with cases in which rulers have proved unfit for their position. It is not in accordance with historical fact to say that the term “ subordinate co-operation ” used in many of the treaties is concerned solely with military matters. The term has been used consistently for more than a century in regard to political relations. In these and other respects the opinion of counsel appears to us to ignore a long chapter of historical experience.” (Para. 42.)

The above decision of the Committee on these con-

tentions is fortified and supported by the Committee by the following pronouncements of the Government of India in 1877, which they quote with approval in para. 41 :

“ These important effects of the operation of usage and sufferance were pointed out by the Government of India in 1877. ‘ The paramount supremacy of the British Government,’ it was then said, ‘ is a thing of gradual growth ; it has been established partly by conquest ; partly by treaty ; partly by usage ; and for a proper understanding of the relations of the British Government to the Native States, regard must be had to the incidents of this *de facto* supremacy, as well as to treaties and charters in which reciprocal rights and obligations have been recorded, and the circumstances under which those documents were originally framed. In the life of States, as well as of individuals, documentary claims may be set aside by overt acts ; and a uniform and long-continued course of practice acquiesced in by the party against whom it tells, whether that party be the British Government or the Native State, must be held to exhibit the relations which, in fact, subsist between them.”

Following the above findings, the Committee proceed to confirm the following rights and powers as acquired by usage and sufferance and by virtue of Paramountcy, although they are not warranted by the strict terms and letter of the treaties and engagements and sanads.

The Committee classify these rights and powers under three main heads (*vide* para. 45) :

External affairs.

Defence and Protection.

Intervention.



(1) *External Affairs.* Under this head the following rights and powers are recognised on the ground of usage apart from treaties :

- (i) Right to make peace or war or negotiate or communicate with foreign States.
- (ii) Right to protect foreign subjects in the States.
- (iii) Right to represent the States in international affairs.
- (iv) Right to enforce international obligations undertaken by Paramount Power.
- (v) Right to compel surrender of foreign offenders.
- (vi) Right to suppress slave trade.
- (vii) Right to compel fair treatment of foreign subjects and enforce compensation for injuries to them.  
(*Vide* para. 46.)

(2) *Interstatal Relations.*

- (i) Right to cede, sell, exchange or part with their territories without approval of the Paramount Power is denied to the States.
- (ii) Right to prevent and settle interstatal disputes is recognised as belonging to the Paramount Power.

(3) *Defence and Protection.* The following rights of the Paramount Power are claimed under this head :

- (i) Final voice in all matters connected with defence, including establishments, war materials, communications, etc.
- (ii) The fact that the States rallied to the defence of the Empire during the Great War and put all their resources at the disposal of the Government is also mentioned as evidence of the right of the Paramount Power and obligations of the States.
- (iii) The States should co-operate by permitting every-

thing to be done that the British Government determines to be necessary for the efficient discharge of the duty of their protection.

- (iv) The Paramount Power should have means of securing what is necessary for strategical purposes in regard to roads, railways, aviation, posts, telegraphs, telephones and wireless, cantonments, forts, passage of troops and supply of arms and ammunition. (*Vide* para. 48.)

(4) *Internal Administration.* The following obligations of the States and duty of the Paramount Power are laid down :

- (i) The duty of corrective obligations in cases *where its intervention has been asked for or becomes necessary.*

The reason for this duty is stated as follows :

“ The guarantee to protect a Prince against insurrection carries with it an obligation to enquire into the causes of the insurrection and to demand that the Prince shall remedy legitimate grievances and an obligation to prescribe the measure necessary to this result.” (*Vide* para. 49.)

- (ii) To enforce popular demands in the States.

“ The promise of the King-Emperor to maintain unimpaired the privileges, rights and dignities of the Princes carries with it a duty to protect the Prince against attempts to eliminate him, and to substitute another form of Government. If these attempts were due to misgovernment on the part of the Prince, protection would only be given on the conditions set out in the preceding paragraph. If they were due, not to misgovernment, but to a widespread popular demand for change, the Paramount Power would be bound to maintain the rights, privileges and dignities of the Prince ; but it

would also be bound to suggest such measures as would satisfy this demand without eliminating the Prince. No such case has yet arisen, or is likely to arise if the Prince's rule is just and efficient, and in particular if the advice given by His Excellency Lord Irwin to the Princes, and accepted in principle by their Chamber, is adopted in regard to a fixed privy purse, security of tenure in the public services and an independent judiciary." (*Vide* para. 50.)

(5) *Intervention for the Benefit of the Princes.*

- (i) The right and duty to settle successions in subordinate Native States.
- (ii) In case of disputed succession the Paramount Power has the right to decide between the claimants, having regard to their relationship, to their personal fitness, and to local usage.

*Note.*—Even if a claimant has a better claim according to the law of succession, the Paramount Power will have the right to set him aside if the other claimant in their opinion is more fit. What is "personal fitness" in a given case will depend upon the discretion of the Paramount Power of course.

- (iii) In every case of adoption, by those States to whom adoption sanads have been granted, consent of the Paramount Power will be necessary; this consent may or may not be granted according to the discretion of the Paramount Power.
- (iv) In case of minority of a Prince the Paramount Power will have the right to provide for administration of the State and for the education of the minor. (*Vide* para. 52.)

(6) *For Benefit of State.*

- (i) The Paramount Power may be forced to intervene

on account of the conduct of the Prince for the benefit of the State and the benefit of the Prince's successor.

- (ii) The Paramount Power is bound to intervene in case of gross misrule, in which case they may
  - (a) depose a Prince,
  - (b) curtail his authority,
  - (c) appoint an officer to exercise political superintendence or supervision.
- (iii) Though the ruler may not be guilty of gross misrule, if he is guilty of "disloyalty" the Paramount Power will intervene.

*Note.*—So loyalty is an enforceable obligation and not a virtue as many people imagine.

- (iv) If the Prince is guilty of serious crime, the Paramount Power will intervene.
- (v) It will also intervene to suppress barbarous practices such as sati or infanticide or to suppress torture and barbarous punishment. (*Vide* para. 53.)

(7) *For Settlement and Pacification.*

- (i) The Paramount Power will intervene where the small size of a State may make it difficult for it to perform properly the functions of government in order to carry out these functions which it cannot carry out.

In support of this the Committee cite with approval the general principle cited by Sir Henry Maine in reference to Kathiawad :

"Even if I were compelled to admit that the Kathiawad States are entitled to a large measure of sovereignty, I should still be prepared to maintain that the Government of India would be justified in interfering to the extent

contemplated by the Governor-General. There does not seem to me to be the smallest doubt that if a group of little independent States in the middle of Europe were hastening to utter anarchy, as these Kathiawad States are hastening, the Greater Powers would never hesitate to interfere for their settlement and pacification in spite of their theoretical independence." (*Vide* para. 54.)

(8) *For the Benefit of India as a Whole.*

(i) Economic good of India as a whole, such as laying of railway lines, telegraph and telephone lines, enforcing British Indian currency, and so on. (*Vide* para. 55 of the Report.)

(9) *British Jurisdiction.*

Although some of the treaties contain clauses providing that British jurisdiction shall not be introduced into the States, the Committee hold that the Paramount Power has found it necessary, in the interests of India as a whole, to introduce the jurisdiction of its officers in particular cases, such as the case of its troops stationed in cantonments and other special areas in the Indian States, European British subjects, and servants of the Crown in certain circumstances. (*Vide* para. 56.)

On the top of all these numerous cases of necessary and unavoidable encroachments on the sovereignty of the States, though not warranted by treaties but justified by usage, sufferance, and other causes, the Committee say in para. 57 that "these are *some of the incidents* and illustrations of Paramountcy," which they emphasise in language which cannot be mistaken. They say "Paramountcy must remain Paramount; it must fulfil its obligations, defining or adapting itself according to the

shifting necessities of time and the progressive developments of the States. The Committee then offer a consolation to the States and say : " Nor need the States take alarm at this conclusion," and point out that " through Paramountcy and Paramountcy alone have grown up and flourished those strong benign relations between the Crown and the Princes on which at all times the States rely. On Paramountcy and Paramountcy alone the States rely for their preservation through the generations that are to come. Through Paramountcy is pushed aside the danger of destruction or annexation." (*Vide* para. 57.)

These are the findings of the Committee on the first term of their reference.

We shall now deal with the discussion of financial and economic relations and keep the examination of the recommendation in para. 58 to the last, as it is outside the terms of reference and requires a close scrutiny.

The grievances of the States on this score were : (1) That many of the rights belonging to them as internally sovereign States were unjustly taken away for the benefit of British India in the past ; and (2) that in dealing with the Government of India as at present constituted their claims are not sufficiently presented or considered under the existing system.

The rights which were alleged to have been infringed are enumerated under the following heads : (i) Maritime Customs, (ii) Railways, (iii) Mines and Coinage, (iv) Loans and Relations with Capitalists and Financial Agents, (v) Salt, (vi) Posts, (vii) Telegraphs, Wireless, and Telephones, (viii) Mail Robbery Rules, (ix) Opium, (x) Excise, (xi) Miscellaneous Claims. (See paras. 80 to 105.)

*Maritime Customs :*

The most important of these is of course the maritime customs. The States contended that the customs on goods imported into the Indian States were in the nature of transit duties, and that it was an indirect tax on the subjects of the States. The Committee reject the first contention and hold that the customs are not in the nature of transit duties, and that every country has from its geographical position the right to impose customs duties at its frontiers ; in this view Sir Leslie Scott, the Princes' counsel, concurred. The second contention is partly admitted on grounds of equity in view of the fact that in recent years the British Indian tariffs have been considerably raised and the taxable capacity of the people of the States is reduced to the extent of the maritime duty ; the Committee regard this as a real and substantial grievance and hold that some relief must be given to the States, but its degree and amount must vary according to the circumstances of each individual case which must be carefully examined. The Committee, however, make the granting of this relief dependent upon the willingness of the States to bear their full share of Imperial burdens, and say that those who share receipts should also share expenditure.

They then proceed to discuss the suggested modes of giving this relief, consider the Zollverein and dismiss it as impracticable in the present circumstances, and suggest that an expert body should be appointed to enquire into (i) reasonable claims of the State or group of States to a share in the customs revenue, and (ii) the adequacy of their contribution to Imperial burdens. They suggest that the question of Zollverein may be discussed before such a body, and the terms of reference should be dis-

cussed with the Princes who should be represented on the enquiring body. In the result the Committee hope that financial settlement would be made between the Imperial Government and the State or group of States on the lines of the settlements made in the past between the Imperial and Provincial Governments, but the Committee say that before this can be done much new ground will have to be broken.

Thus the States get nothing on this claim, and no one can say whether on an adjustment of the respective claims of the States for a share of customs and of British India for a share of Imperial burdens the States will ultimately gain or lose apart from difficulties and complications of the enquiry and the immense labour involved in meeting it.

### *Railways :*

It was suggested, though not argued, that as the railway budget makes an annual contribution to Imperial General Revenues from its surplus the States should have a share. This claim is rejected on the ground that when railways made a loss the States never offered to pay, and that the States derive a good deal of indirect advantage from their territories having been opened up by railways.

On the question of jurisdiction, which the States claimed on lines passing through their territories, the Committee hold that on strategic and important non-strategic lines it cannot be given to them on the ground of military considerations and the benefit of trade and of India as a whole. On other railways it is recommended that it may be given provided certain conditions, viz. the State must be owner, it must have proper machinery for administration of justice, adequate control over working and maintenance, and inspection of line by Government railway officials.



Some minor claims for income-tax, customs, excise licences, sale of grass arising out of State lands occupied by railway lines were made ; the Committee have recommended that the balance of receipts arising from State or State subjects, after reasonable reduction for cost of collection, etc., should be handed over to the States concerned, and the Committee suggest in para. 85 to adjust these.

It is obvious that nothing substantial would come out of this.

### *Mints and Coinage :*

This claim is rejected. The Committee have expressed a strong opinion that the multiplication of different currencies in India is hostile to the best interests of the States and the country as a whole. They point to one State where currency has been manipulated with such results that trade has been seriously affected. This State is presumably "Cutch." Similarly, the claim to a share of profits on currency is rejected on the ground that on metallic currency there is no profit and on paper currency the profits are due to the credit of British India.

### *Loans and Relations with Capitalists and Financial Agents:*

The Committee on this point say that certain rules were made to control these with a view to protect the States financially, but they require revision. They, however, say that in the interests of India as a whole the Government of India must keep a certain measure of control of the loan market.

### *Salt :*

On this point the Committee say that they are not prepared to recommend any general revision of the

existing arrangements on the grounds that on the whole they have worked well, that there is no reason to revise treaties and engagements made a century ago ; that the Government of India has incurred large expenditure in establishing its monopoly and are entitled to profits. They, however, recommend that minor claims of modern origin and claims by the maritime States to export salt under proper safeguards to countries outside India, i.e. Zanzibar, should be sympathetically considered and disposed of in the ordinary course.

#### *Posts :*

On this point the Committee say that the existing arrangements work well, and it would not be in the interests of the public in either British India or the States to alter them. The Committee also decline to make any recommendation for a change in the existing postal conventions with certain States.

#### *Telegraphs, Wireless, and Telephones :*

The arrangements for the construction of these were settled and the Committee have nothing to deal with on this point.

#### *Financial Claims in regard to Posts and Telegraphs :*

The Committee are informed that there are no divisible profits of which a share can be given to States. The States are entitled to full information, and the Committee recommend that it should be given.

#### *Profits of Savings Banks :*

The Committee hold that the attraction of the Post Office is the credit of the British Government, that for administrative reasons the management of the Savings

Banks must follow the management of the Post Offices, and the managing authority must be allowed the bulk of any profit on the transaction. They further hold that in the interests of the people of the States it is most desirable to encourage deposits in Savings Banks. They recommend that where profit is considerable some share may be transferred to States on financial adjustment recommended above.

### *Service Stamps :*

A settlement of this question of allowance of Service Stamps on definite principles once for all is recommended.

### *Mail Robbery Rules :*

A revision of these is recommended.

### *Opium :*

The Committee emphatically decline to make any recommendation on this question. They say the States must bear their share of an Imperial burden imposed on India as a whole in the interests of humanity and civilisation. It is not within practical politics to ask the income-tax payer in British India to grant the States compensation in this matter when he has suffered so heavily himself.

### *Excise :*

In the matters of rebate on Charas imported into the States it is recommended that they should get a rebate from local Governments, through whom it is obtained. All other matters are left to be settled locally as they arise with the provincial Governments concerned.

### *Miscellaneous Claims :*

The question regarding restrictions on acquisitions of immovable property and on supply of arms and ammuni-

tions, on employment of non-Indian officers, inequality of arrangements in connection with extradition, refusal to recognise Indian State officials as public servants, derogation from the traditional dignity of rulers, and position of cantonments are held to be outside the Committee's terms of reference. The Committee, however, say that there is a good deal to be said on these points on either side. The Committee did not touch the question of Kathiawad ports and Viramgam line on the ground that they were *sub judice*.

The second part of the second term of reference deals with the disabilities under which the Princes feel that they lie : (i) disabilities in regard to their relations with British India, (ii) disabilities in regard to their relations with the political department.

The complaint of the Princes is (i) that where their interests and those of British India collide or conflict they should have an effective voice in the discussion and decision of the questions that may arise. They recognise the interdependence of British India and the States ; they realise the necessity for compromise, but they claim that their own rights should receive due recognition.

The Committee describe the present machinery of the Government of India under the existing system, there being no political member in the executive council of the Government of India ; when a case affecting the rights and interests of the States goes before the Council the Political Secretary cannot discuss it with the members on equal terms, nor can he vote upon it, and accordingly where the interests of the State are opposed to the interests of British India there must of necessity be a solid body of opinion predisposed in favour of British India.

The Committee express the opinion that there is foundation for this complaint.

They then discuss the usefulness and advisability of creating a political member of the Viceroy's Executive Council to meet the above difficulty and reject the proposal on the grounds (i) that the Princes attach great importance to direct relations with the Viceroy, and that (ii) the political member even if appointed would still be in a minority.

The Committee then examine the scheme of a Council of States proposed by the European Association in their Memorandum to the Indian Statutory Commission and another scheme originally put forward. These schemes proposed the constitution of a Council of six members, consisting of three Princes or State Ministers, two English members with no previous experience of India, and the Political Secretary. This Council was to be the Executive Body directing the political department. In matters of common concern to British India and the States, this State's Council was to meet the existing Governor-General's Council and endeavour to arrive at a joint decision. In the event of a difference of opinion the Viceroy and Governor-General was to decide. In order to reconcile the States to the loss of sovereignty within their individual States, numerous safeguards were devised which would have stripped the new body of any real power of effective action. In addition to this Council, there was to be a supreme court, with powers to settle disputes between the new Council and individual States or between individual States, and to pronounce on the validity of legislation in British India affecting the States. (Para. 64.)

The Committee reject these schemes on the following grounds *inter alia* :

(1) The Viceroy would be out of touch with the Princes—a matter to which the Princes attach great

importance. (2) British India would not join the States on the basis of equal voting powers in view of their relative size and population, not to mention any question of relative advancement. (3) Princes cannot join such an executive body without ceasing to be Rulers in their own States for the time being, and many of them would object to being placed under other Princes or Ministers of their own or other States. (4) There would not be sufficient work for such a body. (5) Interference in affairs of individual States would be inevitable. (6) There would be many possibilities of conflict between this Council and Chamber of Princes. (Para. 65.)

The Committee then consider the possibilities of a Federation. They think that such a proposal is premature in the present circumstances. The reasons for this opinion are stated to be : (i) there is no real measure of agreement between the States ; (ii) no constructive proposal has been placed before the Committee ; (iii) the Chamber of Princes remains consultative ; (iv) no action has been taken on the proposals of the Montagu-Chelmsford Report, that the proposed Council of Princes and the Council of State, or the representatives of each body, should meet in consultation on matters of common concern.

The Committee then say that for the *present* it is a practical necessity to recognise the existence of two Indias and to adapt machinery to this condition. To this end they advise that in future the Viceroy, not the Governor-General-in-Council, as at present, should be the Agent for the Crown in all dealings with Indian States. The Committee say that to effect this change legislation will be necessary, but they believe that it would lead to three distinct advantages, viz. : (i) it will gratify the Princes to have more direct relations with the Crown through

the Viceroy ; (ii) it will relieve them of the feeling that cases affecting them may be decided by a body which has no special knowledge of them and has interests in opposition to theirs, and may appeal as a judge in its own cause ; (iii) it will lead to much happier relations between the States and British India. (Para. 67.)

The Committee then proceed to point out that this change will not be so great as may at first sight appear, nor will it throw a burden of new work on the Viceroy, because, say the Committee, the Viceroy already holds the political portfolio, and it is at his discretion whether a political case should go to his Council or be disposed of by him with the advice of his Political Secretary on his own responsibility. (*Vide* para. 68.)

The Committee suggest that in matters of common concern to British India and the States, in which the interests of the two may clash, and the political department and another department of Government of India cannot agree, the Viceroy should appoint committees to advise him ; on such committees both British India and the States should be represented ; the appropriate departmental standing committees of the Legislative Assembly may meet the standing committee of the Chamber of Princes, consisting wholly or partly of ministers of the States, and it is suggested that a convention of this kind may be set up, beginning, if desired, in cases where legislation is in prospect. (*Vide* para. 69.)

When such committees fail to agree it is recommended that the Viceroy may appoint a more formal committee, consisting of one representative of States, one of British India, and an impartial Chairman to advise the Viceroy, who would ordinarily follow the advice, and where he cannot follow it the matter would be referred to the Secretary of State for India for decision. It is said that

this procedure would be very suitable, especially in disputes over financial or justiciable questions, such as over maritime customs, development of ports, claims to water, etc. (*Vide* para. 70.)

This procedure was recommended in paragraph 308 of the Montagu-Chelmsford Report and accepted by the Government in their resolution No 427R., dated 29th October, 1920, but not acted upon. The Committee recommend that it should be freely acted upon in current cases. (*Vide* para. 72.)

The Committee then provide a solution for granting relief to the Princes from disabilities in dealing with the Political Department. They recommend that for free and frank discussion and consultations between the Political Secretary and the Standing Committee of the Chamber of Princes, or their technical advisers, there should be at least three meetings in the year and, to avoid delay in settlement of disputed points, the representatives of local Governments concerned and political officers should be present at the discussions so that no reference and reporting may be necessary and decisions may be immediately reported to the Viceroy for his confirmation. (*Vide* para. 73.)

In the next two paragraphs they commend the conduct of the political officers in dealing with the States in very difficult circumstances, and recommend that future recruitment of officials for this service should be made from English Universities and that such recruits should be given a special course of training. (*Vide* paras. 74 and 75.)

In para. 76 they note the representation made to them that the pay and precedence of the Political Secretary should be raised so as to give him a special position among other secretaries.



In paras 77 and 78 they make general observations and say that their proposals are designed to remedy existing difficulties with the least possible disturbance.

They say the door to closer union has been left open. They further say that there is nothing in their proposal to prevent the adoption of some form of Federal Union as the two Indias of the present draw nearer to one another in the future.

In para. 106 the Committee summarise their conclusions on their terms of reference. It is reproduced here as it is very important :

“ It only remains to summarise our conclusions. There are two Indias under different political systems, British India and the Indian States. The latter differ so greatly among themselves that uniform treatment of them is difficult, if not impossible. Treaties, engagements, and sanads, where they exist, are of continuing valid force, but have necessarily been supplemented and illumined by political practice to meet changing conditions in a moving world. We have traced and analysed the growth of Paramountcy. Though it has already lost, and should continue to lose, any arbitrary character in full and open discussion between the Princes and the Political Department it must continue to be paramount, and therefore it must be left free to meet unforeseen circumstances as they arise. We find that the relationship between the Princes and Paramount Power has on the whole been harmonious and satisfactory. No practical proposals for new machinery have been placed before us, but we have indicated changes in procedure, based on experience, which should lead to the removal of grievances and the settlement of outstanding questions. In particular, we recommend that the Viceroy, not the Governor-General-in-Council, should in future be the

Agent of the Crown in its relations with the Princes, and that important matters of dispute between the States themselves, between the States and the Paramount Power, and between the States and British India should be referred to independent Committee for advice. We have suggested methods for recruiting and getting officers of the Political Department, to which we attach great importance. We have indicated ways of adjusting political and economic relations between British India and the States. We hold that the treaties, engagements, and sanads have been made with the Crown, and that the relationship between the Paramount Power and the Princes should not be transferred, without the agreement of the latter, to a new Government in British India responsible to an Indian legislature. But we have left the door open for constitutional developments in the future. While impressed with the need for great caution in dealing with a body so heterogeneous as the Indian Princes, so conservative, so sensitive, so tenacious of internal sovereignty, we confess that our imagination is powerfully affected by the stirrings of new life and new hopes in the States, by the progress already achieved, and by the possibilities of the future. To that future we can merely open a vista. Our terms of reference do not invite us to survey the distant hills and valleys that lead to them. But we are confident that the Princes, who in war and peace have already rendered such signal service, will play a worthy and illustrious part in the development of India and the Empire."

It must be said in fairness and justice to the Butler Committee that their findings on the questions covered by their terms of reference so far as they go are exhaustive, unimpeachable and supported by very sound reasons, though here and there the language chosen to express

them is not very happy ; perhaps they could not make it happier without giving the Princes a little offence and causing them too much disappointment.

We are afraid the adverse and often severe criticism which these findings have provoked, both in India and England, is based upon an imperfect study of the Report and a misconception of the findings, and due perhaps to the unhappy language here and there. We may briefly examine the findings.

On the first term of reference the Committee find in effect that the treaties are with the Crown, meaning King-in-Parliament, and the Government of India as at present constituted is the Agent of the Crown ; we think no constitutional lawyer can find any valid objection to this.

The Committee then say that there are treaties with forty States and that they are of continuing and binding force in so far as they are not supplemented and modified by usage, sufferance, and other causes necessitated to meet changing conditions in a moving world.

Surely the Princes cannot seriously contend that having regard to the circumstances in which the treaties were made, their peculiar geographical situation, the changing conditions of over a century, the duties and obligations of the Paramount Power and general progress and advancement of India as a whole, the treaties could or should have been adhered to to the letter. Such a contention would indeed be ridiculous, as the Committee say in paragraph 36 of their Report : " few Governments at any time in history could look back on more than a century of action without some historical regret that certain things had been done and certain things had not been done." The Committee very rightly point out in the same paragraph " that the Paramount Power has acted on the whole with consideration and forbearance

towards the States, that many States owe their continued existence to its solicitude is undoubted and admitted.”  
“ . . . Without pressure on the States over railways India would not have the communications it has to-day ; without pressure the States would not have shown the progress that they do to-day.”

The Committee, while pointing out that Paramountcy has already lost and should continue to lose any arbitrary character in full and open discussion between the Princes and the Political Department, express their inability to define it so as to limit its action for the very good reason that it must be left free to meet unforeseen circumstances as they arise. It is indeed impossible to define and circumscribe the limits of Paramountcy for the obvious reason that, as stated by the Committee, “ conditions alter rapidly in a changing world.”

We may now examine the resolutions passed at an *informal* conference of representatives of sixty States and presented by the Standing Committee of the Princes' Chamber to the Viceroy at Poona on 28th June, 1929, as an *informal* expression of those Princes' opinion. The opinion of other States, and particularly of those who are not members of the Chamber of Princes, is not known.

The first resolution records its satisfaction at the Indian States' Committee's recognition in certain important respects of the correct position of the States as instanced by their findings :

- (a) That the treaties, engagements, and sanads have been made with the Crown and that the relationship of the States to the Paramount Power is a relationship to the Crown.
- (b) That the treaties, engagements, and sanads are of

continuing and binding force as between the States which made them and the Crown.

- (c) That it is not correct to say that treaties with the Indian States should be read as a whole.
- (d) That the Viceroy and not the Governor-General-in-Council should in future be the Agent for the Crown in all dealings with Indian States.

It must be presumed that this informal conference have passed the resolutions 1 (a), (b), and (c) after full appreciation of the implications of the findings of the Committee on the point referred to in the resolution, viz. that the Crown means "the Paramount Power acting through the Secretary of State and the Governor-General-in-Council responsible to the Parliament and constituted by the Government of India Act of 1858 and as amended by the subsequent Acts down to 1927" (*vide* paras. 18 and 19), and that the treaties, engagements, and sanads are of continuing and binding force only in so far as they are not supplemented by political practice, and modified by usage, sufferance, and other causes as indicated by the Committee.

If the Princes are satisfied in this sense, it is all to the good. There remains no difference of opinion then between them and the Nehru Committee Report, to which the people of the State are a party. It seems that they have given up the contentions of semi-independence, quasi-international status, and so on.

Nobody denies the soundness of the theory that each State's rights and obligations should be determined by reference to the terms of its own treaty, and that the rights and obligations of all States cannot be determined by reference to all treaties read as a whole.

Resolution 2 relates to future adjustment with British India.

Resolution 3 is most reasonable, and no exception can be taken to it by anybody.

Resolution 4A to 4G records the disappointment of the Princes on several points.

(a) Demands that a dividing-line should be drawn so as to place the rights of the Crown in regard to the States upon a definite as opposed to a discretionary basis.

(b) Objects to the assertion of the Committee that intervention on the part of the Paramount Power, which is not justified by the spirit and letter of the subsisting engagements, may be justified on the score of Imperial necessities and shifting circumstances of time.

(c) The omission of the Committee to recommend that the existing machinery be made satisfactory and effective for the purpose of adjudicating upon matters affecting subsisting engagements such as the internal autonomy of the States and disputes between the States and British Government or British India or between States *inter se*.

We think that part (b) is not supportable, as it is impossible to foresee circumstances in a rapidly changing world, and it is not possible to define them in advance, as the Committee have shown by arguments which seem conclusive.

Parts (a) and (c) are indeed well advised, and rest upon very sound reasons. They deserve to be supported by the people of the States and also by British Indian leaders. If the demand conveyed in these parts is satisfied it will most certainly lead to a lasting understanding between all parties concerned and make future fusion of the States and British India easier.

The satisfaction of the demand made in (a) will require that all the existing treaties should be revised and the political practice in the case of each State superimposed upon the treaties by usage, sufferance, and other causes should be incorporated in each treaty so as to define the present rights and obligation of each State *vis-à-vis* the Paramount Power.

In cases of States who have no treaties, their rights and obligations based upon political practice should also be clearly ascertained and placed upon a definite basis.

Having done this, the machinery demanded in clause (c) for regulating intervention in internal affairs, determination of disputes between Paramount Power and the States, British India and the States, and Provincial Governments and States and States *inter se* should be provided, and a duly constituted tribunal on which all interests are represented should be set up permanently.

The objections to the findings of the Butler Committee, embodied in clauses (d), (e), and (f) of the resolution No. 4, will be duly met if an investigation demanded in clause (a) is made and the exact rights and obligations of each State are duly defined ; during the course of this investigation an endeavour should be made to meet the reasonable complaints of the States as stated in clauses (d), (e), and (f).

Resolution 5 expresses the Princes' desire to discuss the above matters with the Viceroy, as resolution No. 2 indicates a gesture showing the Princes' willingness to negotiate with British Indian leaders with a view to arrive at a satisfactory and equitable arrangement on terms fair and honourable alike to British India and the States.

Resolutions 7 and 8 show the Princes' desire to devote the gains from financial adjustment with British India

to the moral and material uplift of the people and to introduce preliminary reforms, and they ought to be welcome as far as they go.

*Recommendation in Paragraph 58.*

We shall now discuss the recommendation in paragraph 58 to which serious objection has been taken in India and which is supposed to be very mischievous and calculated, if accepted, to keep back Dominion status for India for all time. Men, like Sir Tej Bahadur Sapru, have expressed this apprehension and public opinion in India is solid against it ; with the exception of some individual Princes, there is no public body in the States or British India, and no important paper which has not condemned it.

The recommendation, therefore, requires to be closely examined. In the first place it must be pointed out that, according to the terms of reference as interpreted by the Committee itself, it was not their duty to make any recommendation or express any opinion as to what should be the future arrangement if a Dominion constitution is granted to British India. The Committee say in paragraph 58, " If any Government in the nature of a Dominion Government should be constituted in British India, such a Government would clearly be a new Government resting on a new and written constitution ; the contingency has not arisen ; *we are not directly concerned with it* ; the relations of the States to such a Government would raise questions of law and policy which we cannot now and here foreshadow in detail. We feel bound, however, to draw attention to the really grave apprehension of the Princes on this score, and to record our strong opinion *that, in view of the historical nature of the relationship of the Paramount Power and the Princes, the latter should not be transferred without their own agreement*



*to a relationship with a new Government in British India responsible to an Indian legislature."*

With all due deference to Sir Harcourt Butler and his colleagues, it must be said, firstly, that they ought not to have gone out of their way to make these observations ; secondly, if they thought it necessary to express their opinion and make this recommendation, they ought to have ascertained the views of the people of the States on so vital a question affecting their destinies, or at least given them sufficient time and opportunity to make their views known ; thirdly, the British Indian legislature and British Indian leaders should have been invited to express their views ; fourthly, the question ought to have been thoroughly examined ; and, fifthly, ample reasons ought to have been given for the suggested change, the apprehension of the Princes and the grounds should have been given and the advantages and disadvantages, as also the practicability of working such a system ought to have been considered. In view of these objections, the recommendation and the opinion can have but little value and weight. However, even on merits it does not stand a close examination.

Firstly, the Committee say if any Government in the nature of a Dominion Government should be constituted in British India, such a Government would clearly be "a new Government resting on a new and written constitution"; this opinion is not easily intelligible. How such a Government would be a new Government resting on a new and written constitution is not explained. It is submitted that it would be nothing of the kind ; it would merely be a further development of the existing Government which does rest on a written constitution commencing from the Act of 1858 as altered from time to time ; the Committee, however, say the contingency has

not arisen ; this statement is very unwise to say the least ; it shows that the Committee know beforehand the Report which the Simon Commission would make and the action which Parliament would take upon it. We can, however, say that the contingency has arisen and Dominion status cannot be postponed any more ; British India is not in a mood to wait a moment longer ; then the Committee say that the relations of such a Government would raise questions of law and policy which we cannot here foreshadow in detail ; there are no serious questions of law involved and policy there ought to be none ; there should be only one policy, namely, to grant India her freedom and help her to reach her goal as early as possible for the lasting benefit of England and India ; any other policy cannot but be disastrous.

The Committee then say in view of the " historical relationship between the Paramount Power and the Princes," the latter should not be transferred to a new Government, etc. We may point out that the relationship of the Princes to the British Government is not older than a century at most, while their relationship to the Indian people is as old as India itself, and therefore much more historical if history is to be the only ground. It is not a question of " transferring " the relationship to Indian Government. The relationship both constitutionally, legally, and historically is with the Government of India, and the suggestion is to separate it and to transfer it to a new relationship with the British Government as distinct from the Government of India as will be presently shown.

When the Government of India Act 1858 was passed, taking over the Government of India from the East India Company and vesting it in the Crown, that is King-in-Parliament, the States were certainly placed under the

Government of India as so constituted and their agreement or consent was not thought to be necessary. When reforms of a very far-reaching character clearly calculated to lead to full responsible Government in India were introduced by the Act of 1919, the same position was maintained and consent of the Princes was not taken or thought to be necessary. The following sections of the Government of India Act will make this clear.

Section 1 of the Government of India Act 1858 reads :

“ The Government of the territories now in the possession or under the Government of the East India Co. and all powers in relation to Government vested in or exercised by the said Co. in trust for His Majesty, shall cease to be vested in or exercised by the said Co. and all territories in the possession or under the Government of the said Co. and all rights vested in or which if this Act had not been passed might have been exercised by the said Co. in relation to any territories shall become vested in Her Majesty and be exercised in her name ; and for the purposes of this Act, ‘ India ’ shall mean the territories vested in Her Majesty by virtue of any such rights as aforesaid.”

Section 2 provides :

“ India shall be governed by and in the name of Her Majesty and all rights in relation to any territories which might have been exercised by the said Co. if this Act might not have been passed shall and may be exercised by and in the name of Her Majesty as rights incidental to the Government of India ; and the territorial and other revenues arising in India and all tributes and other payments in respect of any territories which would have been receivable by and in the name of the said Co., if

this Act had not been passed shall be received for and in the name of Her Majesty and shall be applied and disposed of for the purposes of the Government of India alone subject to the provisions of this Act."

Section 124 of the Amending Act, 52 and 53 Vict., Chapters 60 and 63, define the word "India" as used in the above sections as "British India together with any territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor-General of India or through any Governor or officer subordinate to the Governor-General of India."

The wording of the corresponding sections of all subsequent Acts of Parliament relating to the Government of India is identical (*vide* Sections 1, 2 (i) and (2), 20 (3) of the Government of India Act as amended up to 1927).

Section 33 of the Government of India Act, the superintendence, direction and control of the Civil and Military Government of "India" is vested in the Governor-General-in-Council.

Sir Frederick Whyte in his monograph, *India, a Federation*, states that the word "India" in Section 33 means not only "British India" but the whole territory of the Indian States as well.

Section 67 (2), Cl. D, of the Government of India Act empowers the introduction and passage by the Indian Legislature of any measure affecting the relations of the Government with Foreign Princes or States with the previous sanction of the Governor-General; the expression "Foreign Princes or States" does include an Indian State, as otherwise it would follow that while legislation affecting the relations of the Government of India with foreign Princes or States is forbidden, relations

of the Government of India with Indian Princes or States could be affected by measures introduced in the Indian Legislature without the sanction of the Governor-General.

Section 67A (3), sub-clause 5, empowers the Government of India to incur political expenditure and provides that such expenditure is open to discussion by the legislature except at the time when the annual statement is under consideration.

Section 80A (3) (d) contains provisions similar to Section 67 (2) (d).

All these Acts of Parliament vesting all rights of the East India Company over the Indian States in the Crown to be exercised by the Government of India, and making the tribute payable by the States a part of the revenue of the Government of India, were passed without the necessity of their consent and acquiesced in by the Princes for about three-quarters of a century, and it cannot now be open to the Princes or the Butler Committee to recommend that the relationship should not be transferred to what they call a "new Government."

Thus it is not at all a question of transferring the relationship of the Indian States to a "new Government"; it has been, as shown above, vested in the Government of India since 1858; therefore the future Government of India will not to be a new Government in any sense, but merely a development of the existing Government.

It is, however, not only right but imperative that every possible attempt should be made to obtain the Princes' agreement, and ample safeguards for preservation of their integrity, existing internal sovereignty, personal rights and privileges, consistently with securing responsible Government to their people should be offered. But if in spite of all attempts to arrive at an

understanding the Princes are so unreasonable as to insist upon a separation against the unanimous wishes of their 70 millions of people, and also the opposition of 250 millions of the people of British India as to postpone self-government for India for all time and set up a parallel irresponsible Government over 70 millions of people, one-third of India comprising about 300 administrations (minor States being grouped), each different from the other with countless and endless conflicting interests and disputes with each other and with a self-governing India, an unthinkable proposition, then there is nothing to prevent Parliament from telling the Princes, as the *Manchester Guardian* says, "No lawyer can deny us (Britain) the right to say to the Princes, 'We entered into certain engagements with you *because of our position as rulers of British India*. The time is coming when we must hand over the rule of British India to its inhabitants. We give you notice now so that you may make new engagements with our successors. We will help you as far as we can to get fair terms, but your future must depend chiefly on your success in securing the goodwill of your subjects.' "

There is, however, no reason to believe that the Princes or a majority of them will be so unreasonable. On the other hand, the Resolution No. 2 passed at the Bombay Conference raises every hope that goodwill on both sides and the spirit of give and take will ultimately prevail and an agreement honourable to both parties will soon be reached.

### *General Conclusions.*

(1) The labours of the Butler Committee have not been in vain. The enquiry has certainly cleared the whole position which so far was surrounded by a lot of mystery,

and it has made the path for a better understanding and satisfactory adjustment of political relations and economic questions smoother. Of course, the cost to the States has been out of all proportion. Any competent diwan or an Indian constitutional lawyer would have advocated the cause of the States as well. However, that is by the way.

We may summarise the effect of the above examination of the Butler Report, the Princes' views thereon, questions arising therefrom, and their suggested solutions as follows :

## I. FINDINGS OF THE BUTLER COMMITTEE

### (a) *Political Relations*

(1) That the States have no international or independent Status. (*Vide* paras. 39 and 44.)

(2) That the States possess a measure of internal sovereignty limited by the terms of their treaties where such exist and in other cases by political practice. (*Vide* para. 44.)

(3) That the treaties are direct with the Crown acting through the Secretary of State for India and the Governor-General-in-Council responsible to the Parliament of Great Britain. (*Vide* paras. 38, 18, 19.)

NOTE.—This theory is disputed, because there is not a single treaty in which the word Crown appears. All treaties are either with the Government of India or the East India Company. Of course, if it is meant that these bodies were agents of the Crown, then the word "direct" has no meaning.

(4) That the treaties are binding and secure to those Princes who have them :

(a) Integrity, i.e. immunity from annexation.

(b) Hereditary succession.

(5) That in all other matters treaties are in force only in so far as they are not modified or varied by political

practice necessitated by changing circumstances. (*Vide* paras. 40 to 45.)

(6) That the treaties are modified and abrogated in the following cases :

- (a) External Affairs. (*Vide* para. 46.)
- (b) International Relations. (*Vide* para. 46.)
- (c) Defence and Protection. (*Vide* para. 48.)
- (d) Internal Administration :
  - (i) Paramount Power has duties of corrective obligation in cases where its intervention is asked for or becomes necessary ;
  - (ii) to enforce popular demand in the States for a change in the form of administration without eliminating the Princes. (*Vide* paras. 49, 50.)
- (e) Intervention for the benefit of the Prince. (*Vide* para. 52.)
- (f) Intervention for the benefit of the State. (*Vide* para. 53.)
- (g) Intervention for settlement and pacification. (*Vide* para. 54.)
- (h) Intervention for the benefit of India as a whole. (*Vide* para. 55.)
- (i) Necessary British Jurisdiction. (*Vide* para. 56.)

(7) That in future treaties are liable to be further varied or modified as circumstances may require. (*Vide* para. 57.)

### (b) *Financial and Economic Relations*

(1) The claim to a share of maritime customs has been accepted subject to the condition that the States agree to share financial burden of the Imperial and Provincial Governments, and an enquiry for the adjustment of these claims is suggested. (*Vide* paras. 80 to 88.)

(2) All financial claims advanced by the States in the matter of (i) railways, (ii) mines, (iii) coinage, (iv) salt, (v) post, (vi) telegraphs, (vii) wireless and telephones, (viii) opium, and (ix) excise have been substantially rejected except in a few minor matters. (*Vide* paras. 39 to 105.)

## II. RECOMMENDATIONS

### *Future Relationship*

(1) The States should not be transferred without their own agreement to a relationship with a new Government



in British India responsible to an Indian Legislature, but they should be placed under the Viceroy, who should be the Agent for the Crown in all dealings with the Indian States. (*Vide* paras. 58, 67.)

NOTE.—(a) This recommendation is outside the terms of reference of the Committee. (*Vide* para. 1.)

(b) It is *pro tanto* and the Committee have left the door open to closer union, and they say that there is nothing in their proposal to prevent the adoption of some form of Federal Union as the two Indias of the present draw nearer to one another in the future. (*Vide* para. 78.)

### III. PRINCES' VIEWS

(1) They accept the findings that treaties are with the Crown, that they are binding and welcome the recommendation that in future the Viceroy and not the Governor-General-in-Council should be the Agent of the Crown in dealing with Indian States. (*Vide* their resolution No. 1 A, B, C, and D, passed at the Informal Conference held in Bombay on 27th June, 1929.)

(2) They indicate their willingness to negotiate with British Indian leaders with a view to arrive at a satisfactory and equitable arrangement on terms fair and honourable alike to British India and the States. (*Vide* resolution No. 2.)

(3) They express dissatisfaction at the failure of the Committee to place the rights of the Paramount Power on a definite as opposed to discretionary basis, and they dispute the Paramount Power's right of intervention on grounds of usage, sufferance, Imperial necessities, shifting circumstances of time and other similar causes. (*Vide* their resolution 4A to 4G.)

(4) They express dissatisfaction at the omission by the Committee to recommend that the existing machinery be made satisfactory and effective for the purpose of adjudi-

cating upon matters affecting subsisting engagements, such as the internal autonomy of the States and disputes between the States and British Government, or British India, or between States, *inter se*. (*Vide* their resolution 4A to 4G.)

#### IV. QUESTIONS ARISING FROM THE BUTLER REPORT AND THE PRINCES' RESOLUTIONS

(1) What is to be the position of the 327 States and Estates left out of the enquiry by the Butler Committee ? (*Vide* para. 17.)

(2) How many States have treaties and what are their exact terms ?

(3) How far are the treaties abrogated, modified, or varied by political practice, usage, sufferance, and other causes ?

(4) What are the exact rights and obligations of the States which have no treaties ?

(5) What are the exact rights and obligations of the States in relation to the Paramount Power at present ?

(6) What is to be the procedure by which these rights and obligations can be mutually enforced ?

(7) What is to be the final authority in cases of disputes ?—If it is to be a Tribunal, how should it be composed and how are its decisions to be enforced ?

(8) If new circumstances arise in future necessitating further modifications in the present rights and obligations, what is to be the mode in which the modifications are to be made and enforced ?

NOTE.—If these questions are satisfactorily settled, the Princes will have no difficulty in agreeing to deal with a Government of India responsible to an Indian Legislature, and an arrangement fair and honourable alike to British India and the States will be easily found.

## V. SUGGESTIONS

(1) Appointment of a Committee to investigate the above questions and the following matters, and also find a solution acceptable to the States and British India.

(2) The Committee to be constituted as follows :

- (i) Nominees of the Government of India ;
- (ii) Nominees of British Indian leaders ; and
- (iii) Nominees of the Princes, in consultation with the people of the States commanding confidence of both.

(3) Grouping of the States according to their geographical position, size, population, revenue, and importance, so as to form respectable units for the purposes of future Federation. (*Vide Government of India* by the Right Honourable J. Ramsay MacDonald.)

(4) A standard of Government for each State as a qualification for federating with British India.

(5) Conditions on which each unit can enter the Federation at will.

(6) Definition of the powers of the Central Government and the constituent States in the Federation.

(7) Definition of the rights, privileges, and dignities of the Princes.

(8) Incorporation of the above conditions in the future constitution of India.

Until the above enquiry is made and a solution found, the future constitution of India cannot be satisfactorily and finally settled.

## CHAPTER XX

### THE NEHRU AND THE BUTLER REPORTS

A CLOSE study of the Butler Report will show that almost all its findings so far as they cover their terms of reference substantially agree with the Nehru Report. We have seen that on the question of direct relations with the Crown theory there is no difference between the two except in the expression. (*Vide* p. 73 of the Nehru Report.)

The Butler Report rejects the theories set up by Sir Leslie Scott about "Parliamentary Agreement," "Contractual Relations," etc., and so does the Nehru Report. (*Vide* pp. 73 to 80 of the Nehru Report.)

The Nehru Report recommends that :

(a) All treaties made with the East India Co. and the Indian States, and all such subsequent treaties so far as they are in force at the commencement of this Act, shall be binding on the Commonwealth.

(b) The Commonwealth shall exercise the same rights in relation to and discharge the same obligations towards the Indian States as the Government of India exercised and discharged previous to the passing of this Act. (*Vide* p. 83 of the Nehru Report.)

As for this clause, if the exact rights and obligations are ascertained and defined and a machinery acceptable to both parties is provided, it would make no difference

to the Princes whether an Indian Government responsible to an Indian Legislature as the Crown's Agent exercises the rights and discharges the obligations of the Crown or a Viceroy not responsible to an Indian Legislature as the Crown's Agent does so ; in one case the responsibility will be to an Indian Parliament representing the Prince's own countrymen, in the other it will be to the British Parliament representing the people of Great Britain. Surely the Indian Parliament consisting of responsible Indians will not have less regard for the rights, dignities, and privileges of the Princes than a British Parliament, and in order to remove the remotest apprehension in the mind of the Princes some safeguards can be provided so that an ultimate appeal against any undue encroachment upon their rights can be effectively made.

The Nehru Report gives solemn assurances and says that "we do believe that the Government of India of the future will discharge their obligations in their integrity and with every desire to promote harmonious relations and no desire to override cherished privileges or sentiments."

In matters of a justiciable character the Nehru Report suggests that "in case of any difference between the Commonwealth and any Indian State on any matter arising out of treaties, engagements, and sanads or similar documents the Governor-General-in-Council may with the consent of the State concerned refer the said matter to the Supreme Court for its decision." (*Vide* p. 84.)

This offers far better safeguards to the Princes than the Butler Report, and their resolution No. 4(G) of the Bombay Conference actually asks for such an arrangement.

Similarly with regard to financial and administrative

relations of a non-justiciable nature the Nehru Report says : " It should not be difficult to come to a settlement by mutual conferences and understandings. The position in the future will not, to our mind, be worse than it is. Indeed, it is likely to be better where between different States there are honest differences and an independent effort is made to arrive at just and equitable settlement. Practical goodwill and larger common interests are of far greater value than any meticulous considerations of ultimate sanctions."

The greatest apprehension of the Princes naturally must be about the powers of intervention in their internal administration by the Commonwealth Government.

The Butler Report lays down a number of circumstances such as disputed succession, minority of a Prince, the conduct of a Prince, gross misrule, disloyalty, serious crime, suppression of barbarous practices, torture and barbarous punishment, protection of Princes against insurrection, and satisfaction of popular demands for change in the form of administration without eliminating the Princes and maintaining their rights, privileges, and dignities. The intervention in all these cases is at present arbitrary and depends upon the discretion of the Viceroy. The Princes have just grievance against arbitrary intervention in all these cases, and if the circumstances of intervention in these cases are duly defined and a procedure provided for inquiry of a judicial or quasi-judicial nature in which the representatives of the Chamber of Princes should have an effective voice, before any action is taken, there remains no ground for any apprehension that intervention would be unjust, high-handed, or oppressive.

If this is done, whether the Commonwealth Government exercises the right of intervention as Crown's Agent

or whether the Viceroy does it as Crown's Agent cannot make the slightest difference in the position of the Princes.

As for foreign relations, defence, and international obligations and questions of common interests of India as a whole, the Chamber of Princes is at present represented on International Councils, such as the League of Nations, International Labour Organisations, and also on the Councils of the Empire, such as Imperial Conference, and they should continue to be so represented; the questions of defence and other questions of common interests can always be settled by mutual consultation.

Thus there is very little difference between the Butler Report and Nehru Report, and the above preliminaries being understood and settled, there is no reason why an arrangement equitable and satisfactory on terms fair and honourable to all parties cannot be made. If the British Government and His Excellency the Viceroy sincerely assist in bringing about an understanding between British Indian leaders and the Princes on the lines suggested above, there will be no difficulty in settling this problem.

Let us hope that before February this will be done, and one great obstacle to the realisation of Dominion Status by India will be finally removed.

## CHAPTER XXI

### REFORMS EXTERNAL AND INTERNAL

THERE can be no question, and all authorities are agreed, that the ultimate goal of the Indian States must be a Federation with British India. What form that Federation should take and how it should be brought about and when, are matters which are discussed in the next chapter.

In order that that consummation may be easy and as early as possible, certain reforms, both external and internal, should be at once introduced.

#### *External Reforms*

(1) The States must be grouped having regard to their geographical position, size, population, revenue, and importance so as to form respectable units for purposes of Federation. (2) A standard of Government for each State, if it is a unit by itself or a group of States, should be laid down as a qualification for federating with British India. (3) Conditions on which each unit can enter the Federation at will should be prescribed; (4) and the powers of Central Government and the constituent States should be defined. (5) The rights, privileges, and dignities of the Princes should be ascertained and fixed.



*Internal Reforms*

In order that the path to the ultimate goal may be smoother, the following reforms in the internal administration of the States must be introduced at once and secured to the people by effective sanctions.

(1) Right of speech, press, and association must be granted at least on the same conditions as obtain in British India, and no man should be prevented from exercising this right except by legal process.

In order that pace of progress may not have to be forced from without and that it may come from within, public opinion should not be suppressed, but its healthy growth encouraged, as it is the only form of control on any Administration or Government known to civilised countries. There can be no doubt that this would be in the best interests of the Princes and the people. The Princes will, it is hoped, recognise the reasonableness of this demand and will at once concede it.

We cannot do better than quote the Note which His Excellency the Viceroy, Lord Irwin, circulated to the Princes on June 14th, 1927, laying down the broad principles of administration and Government.

I. The function of Government may be described as the task, firstly, of ensuring to the individuals composing the society governed, the opportunity of developing themselves as human beings, and secondly, of welding them into a compact and contented State. The discharge of this double function involves the necessity of finding and maintaining the due balance between the rights of the individual and those of the State to which he belongs.

II. Stated differently, the ordered life of a community depends upon being regulated, not by the arbitrary will

of individuals, but by Law, which should expressly or tacitly be based upon and represent the general will of the community.

This is equally true of autocracy, oligarchy, democracy, and the efforts of rulers, therefore, whether they be one or many, should be directed to the establishment of the reign of Law.

III. The application of these principles implies—among other needs :

- (a) the protection of individual liberty, rights, property, etc.
- (b) the provision of adequate machinery for the adjustment of disputes between individuals.
- (c) the provision of adequate machinery of justice, i.e. proper code of law, law courts, appeals, etc.
- (d) the recognition of the equality of all members of the State before the law.

IV. These things depend upon :

- (i) an administration conducted in accordance with the law.
- (ii) an efficient and uncorrupt police force.
- (iii) an efficient judicial system, strong in personnel, who are secure from arbitrary interference by the executive and are secure in the tenure of their office so long as they do their duty.

V. The fundamental purpose of Government stated in I. implies that Government must follow definite principles in

- (a) the collection of revenue from its subjects.
- (b) the expenditure of revenue so collected.

## VI. Revenue—Taxation should be :

- (i) as light as possible.
- (ii) easy of collection, otherwise the annoyance caused to the taxpayer is out of proportion to the benefit to the State.
- (iii) certain—i.e. the Taxpayer should be able to forecast his liability.
- (iv) proportionate to the means of the Taxpayer to pay.

VII. Expenditure—From this it follows that the proportion of revenue allotted to the personal expenditure of the Ruler should be as moderate as will suffice to maintain his position and dignity, in order that as large a proportion as possible may be available for the development of the life of the community and of its individual citizens. The civil list of an enlightened modern Ruler is normally fixed at either a definite sum or a definite percentage of the total income of the State.

## VIII. Under the general head of development fall :

The creation and maintenance of Roads and Communications, Education, Health, and other social services, Agriculture, Housing, etc.

The devolution of many such subjects to local bodies makes for good Government.

IX. Government must be, by the nature of its task, responsible, not irresponsible, in character.

In democracy, it is responsible to a wide electorate, but where this visible responsibility does not exist (as e.g. in autocracy), its inherent responsibility, to its own purpose as defined in I., remains ; and if it ignores it, it forfeits its normal claim to the obedience of its subjects.

X. Every Government should have some machinery by which it can inform itself of the needs and desires of its subjects, and by which these can make their voices heard.

This machinery need not be strictly representative (or elective) in character, but its essential requisite is that it should maintain a close connection between Government and Governed.

XI. There are other matters, such as religious toleration, the encouragement of mutual confidence and harmony between employers and employed, in which Government may not be able to make effective use of law, but in which it is none the less bound to direct its influence towards the preservation of friendly and neighbourly relations between the different component parts of the single unity of the State.

XII. Perhaps the principal necessity for a personal Ruler is that he should be able to choose wise counsellors and, having chosen them, that he should trust them and encourage them to tell him the truth, whether or not this is always palatable.

There is much wisdom in the words of Bacon :

“ Thinke it more Honour to direct in Chiefs, than to be busie in all.

Embrace and invite Helps, and Advices, touching the Execution of any Place ; and do not drive away such, as bring thee Information, as Medlers ; but accept them in good part.”

14.6.1927.

Alas ! The Princes wasted much time, energy and money after asserting all sorts of real and imaginary

rights, but not one is known to have accepted this sound advice. If they will still do so, there will be no power on earth which can weaken them, and their position, power and prestige based upon their people's real strength and devotion will be far better, stronger, and more enjoyable than any treaties or outside protection can make them.

Let us hope that they will start at once on the right road before it is too late. If they do that, all rights which are now open to them, and many more rights will be theirs.

## CHAPTER XXII

### A THOUGHT ABOUT THE FUTURE

**T**HE Right Honourable V. S. Srinivasa Sastri in his famous Cochin Address on "The Future of Indian States," has expressed views so clear and complete as to be a perfect guide in this matter and it is impossible to improve upon or differ from them. We shall therefore quote the portions from that Address directly relevant to this question.

Mr. Sastri first states the different views expressed by different classes of persons from different angles of vision. He says :

"What has been the contribution of thoughtful people to the solution of this problem? Most of it, one regrets to say, consists of loose thinking, dangerous ideas, and profitless speculation. On the British side, we have retired Anglo-Indians airing the views of the ancient day, when 'strength' was the supreme merit of an administrator and his one unpardonable weakness was a desire to consult the wishes of the governed. These oracles, who acquire sudden importance in times of trouble, seriously propose that the political map of India should be entirely recast, that the direct rule of the Crown must be abandoned and that British India must be parcelled out amongst the Rajahs and Maharajahs, already in existence or to be brought into existence, by reason of their loyalty and extreme pliability. The question whether we should

like it in India would appear to them to be irrelevant. What should it matter how they ruled us, provided they took the trouble of keeping the peace and allowed British exploitation to go on uninterrupted? I suppose men can be found from decadent royal houses, willing to be of such ignoble use to a Foreign Power. I see from the way you receive the proposal, that you are inclined to dismiss it as foolish and impracticable. So it is; but while we need not consider the proposal itself seriously, we cannot afford to ignore the mentality behind it. You never wholly root out an error; some venom remains behind. In this case, the venom is the idea that the further progress of India towards democracy must be effectively barred, and that as a means thereto the Indian States must be preserved intact with autocratic and irresponsible sway over their subjects. We must resist this idea to the uttermost. At the other hand, certain Indian politicians, having no hope of mending the States, can only think of ending them all. On this view, the Dominionhood of British India is possible only, if Indian States be abolished and all their territory pass under direct British administration. I wonder sometimes whether the authors of this proposal realise its enormity. It strikes me as hardly less chimerical than the proposals we have just dismissed. So we shall do well to strike a middle path. Not only because a middle path is safe, but because in emerging from an old system we must keep what is best in it and embody it in the new system. Certain of these States have done well, and served some purposes of value, and it is only fair, if they have the elements of adaptability, to give them a chance of continued usefulness in the future."

His Highness the Aga Khan in his book, *India in Transition*, says :

“By what other system can the Native States be brought into active union with the rest of India? No scheme of reconstruction can be complete without taking into consideration the 70,000,000 people and the 538,138 square miles comprised within these areas scattered all over India. Can these lands remain permanently out of touch with the great reconstructed India of the future? Or, as an alternative, are we to tear up treaties that assured their Princes full autonomy within their respective spheres? Or is it seriously maintained that the central Government, while scrupulously avoiding interference in any question relating to a tiny principality or its court should at the same time control the great province-states from Simla or Delhi, as if they were nothing but so many territories occupied by superior forces? The history of the past, no less than the justice and symmetry to be sought to-day, leads to the conclusion that we need a federation which can be entered into by the greatest provinces and the smallest native Raja alike without loss of internal freedom, and yet with the assurance that, in all federal matters they will pull together for a united empire.”

The Right Honourable J. Ramsay MacDonald in his book, *The Government of India*, says :

“Obviously there must be a classification and grading of States. This, indeed, ought to be made in any event, and should be done by a committee upon which the States are themselves represented—by a committee which will be directed to pursue the federal idea and to improve the status of States, wherever that is possible. When this is done—and not until this is done—many of the fears which disturb the minds of the ruling Chiefs that they are to lose their authority, that the strained interpretations put upon treaties by the Indian Government when dealing



with weak rulers may be extended to all, and similar suspicions which are now perfectly justified will be removed for good. The continued liberty of the Native State and of its ruler does not depend upon loose connection, but upon a constitutionally defined relationship within a federated India."

Thus, while all are agreed that there must be a federation of the Indian States with the rest of India, no one has yet clearly stated what is the form which that federation is to take, how are so many as 562 States with sizes and population varying from Hyderabad (Nizam) with its population of 12 million souls and area of 82,000 square miles to estates in Kathiawad with a few acres of land and a population of 50 or 100 souls to be fitted in, what are to be their powers, rights, and obligations, what is to be the exact position of ruling Princes and their dynasties and so on.

All authorities whose opinions must command universal respect are agreed that the States cannot and need not be wiped out, and a suitable place must be found for and assigned to them in the future polity of India.

That this must be on a federal basis and that the preliminary conditions for a federation do exist is shown by writers of unquestionable authority.

Sir Frederick Whyte in his monograph, *India, a Federation?* prepared at the request of the Government of India, says :

"A different aspect of the relations between Central and Local Governments appears when we turn to the Indian States. Section 33 of the Act vests 'the superintendence, direction and control of the civil and military government of India in the Governor-General-in-Council. . . .' India here means not only British India, but the

whole territory of the Indian States as well. Now, looking at the relations of the Government of India and the Indian States in the light of federal principle, we observe that—

(a) the Indian States enjoy a large measure of autonomy in domestic affairs both legislative and administrative, subject to the right of the Government of India to intervene to correct actual misgovernment ;

(b) the Indian States are preserved in their treaty rights by section 132 ;

(c) the Government of India possess paramount power comparable to those of a federal government, over the foreign relations of the Indian States, over the succession to the State, over its armament, over the ultimate security of each State from attack and finally, over the behaviour of any State which transgresses the bounds of humanity and good government within or without its own borders.

“ Now it will not escape notice that, though the Indian States hardly appear from Preamble to Schedule in the Government of India Act, the political changes of which the Act is a part, have affected their interests, and will affect them still more as time goes on.

“ Still more evident does the connection become when the Legislature passes an Act to raise customs duties, e.g. the Steel Protection Act. Moreover, the action of an Indian State may seriously affect the excise policy, to take but one notable instance among many, of its neighbours, whether they be British Provinces or other Indian States. Here again the political advance of India has placed in the incubator another problem which cannot be shirked at the next examination of the Constitution.

“ If India is about to move towards the goal of federalism, the Indian States may well claim a share in the discussion and a place in eventual federation. The fact

that their Governments vary in character and present great contrasts to the Provinces is irrelevant. There have been federations of political units possessing very different forms of government, and there is no reason why there should not be again."

Mr. K. M. Pannikar, in his book *Indian States and the Government of India*, says :

"The only future that can be visualised for India is as a congeries of internally autonomous States united together under a strong central Government which would look after their common interests. For such a consummation the present line of development, in which the Indian Princes while strengthened in their independence take their place also as sons of India owing a duty to the common country, is undeniably the right one."

He also points out that there are important elements of a federal tie in the system and relationship of the Indian States and what is known as British India. He says :

"The whole theory of federalism is that while the constituents remain sovereign and independent the claims of the Central Government are recognised in a definite surrender of certain important rights. That is the essence beyond a doubt of the Indian system so far as it relates to the major States. The joint political entity of the States and British India is recognised, and the Government of India as the Central Government exercises certain rights which the States have surrendered. The tie is thus essentially federal and is based on a division of sovereignty."

The Right Honourable V. S. Srinivasa Sastri points out the difficulties in his Cochin Address, when he says :

"Do you think it is possible for 561 States, some of them not more than a few acres in extent, numbering no

more than a few thousand rupees at their disposal, do you even suppose you can have a Federated India, of which there are so many, so diversified, and so incompatible items? It is an impossible picture. A few States only, large enough to afford scope for their greatest men to rise to their full stature, a few States only where an honourable tradition has descended from generation to generation, for instance Mysore, Travancore, and Cochin, of beneficent rule, looking to the welfare of the people maintaining the ancient Dharma according to the best lights—it is only a few of these States that we can conceive of as entering into the future Federation of India.”

He then suggests the appointment of a Royal Commission to investigate this question. He says :

“ Now who is going to draw this line of which I am speaking ? No Prince will ever submit to a line drawn by any arbitrary authority. The most important tribunal of which the British Empire and the Indian continent is capable, the most impartial and authoritative tribunal, must be created for the purpose. Upon that tribunal, or Royal Commission, whatever you call it, must be the representatives of the British Crown, the representatives of the subjects of British India, the carefully selected representatives of Maharajahs and holders of hereditary power, and also, by no means the least, representatives of the subjects of the Indian States ; for as I told you yesterday, hitherto somehow or other you have been kept in the background of Indian politics ; and no change can be lasting, suitable, or worth maintaining which does not drag you into the forefront and regard you as the things to remember. Now, a tribunal so constituted, a Commission so chosen, is the only body which can take

evidence from all and sundry who are interested in the matter ; it is the only body which can go into these treaties and engagements, examine them, turn them over, and make recommendations as to which States will be entitled by their quality and by their culture to take their place in the Federation of India. Now, that causes a great misgiving. To ask for such a Commission is to ask for something very big ; and whose voice is it that will compel the appointment of such an authoritative Commission ? It is not my voice, which is nothing at all ; it is not the voice of the British Indian people only. It is the voice of the subjects of the Indian States which must now be raised. Else the whole thing will fall through. For, as I told you, statesmen in England, anxious to keep their sway over the people of India, are not likely, unless their hands are forced by an irresistible body of opinion, to come to grips with this question. You and we stand linked together as co-citizens of our future federation of India, and although that institution is not yet come into body and form, it is you and I with our united efforts, the people of the Indian States, and the people of British India, it is we who have to put our strength together, make our voice united and loud so that it may be heard across the seas, and the question of Dominion status and responsible government for the people of the Indian States as well."

Three years, however, have gone by since these memorable words were spoken, much water has flowed below the bridges, and the tremendous opposition to the Simon Commission shows that people have lost all faith in the usefulness of the Royal Commissions and Committees, and they will have no more of them. While there is a large and quite powerful section of the Indian people

talking of " complete independence " the proposal asking for a Royal Commission would certainly be ridiculed if not hated.

The Nehru Committee has made only a passing reference to this question, and Sir P. S. Sivaswamy Iyer has also discussed it, but has left it without making any definite suggestion.

The South Indian States' People's Conference which met at Trivandrum in January last have adopted Mr. D. G. Gundappa's Constitution as the basis, but appreciable progress has not been made in popularising it and obtaining effective public support.

It cannot, however, be denied that some form of authoritative enquiry will have to be made. Nothing would be easier if, at a round table where Government of India, Princes, people of the States and British India leaders were represented, general broad principles and conditions of a Federation could be agreed to and embodied in the future constitution of India, and each State or group of States were left free to enter the Federation voluntarily when it thought itself fit and considered it safe and advantageous to enter it.

If this cannot be done, it must be left till public opinion in the States and British India is clarified and gathers sufficient strength to compel the formation of a suitable Federation.

## CHAPTER XXIII

### THE MENTALITY OF THE MAHARAJAHS

THE Maharajahs, holders of hereditary power though they are, find it very hard indeed to give it up, whatever endeavour may be made to make it easy for them to do so. They apprehend that the advancing tide of democracy in British India will sweep them away. The only right way to avoid that fate is to recognise the signs of the times and to clothe their authority in modern garments, to introduce representative institutions, and to vest their power in chosen representatives of their people without further delay. But alas ! Instead of choosing that way as the only course to save themselves and their dynasties, misguided and misled as they are, they are seeking to perpetuate their arbitrary rule and sheltered existence by all sorts of foolish ways and means.

They are talking of treaties made a century ago in circumstances entirely different from those that exist to-day, although they know, or ought to know, that the world since these treaties were made has entirely changed and is changing further. Dealing with this talk of treaties, this is what the Right Honourable Srinivasa Sastri says in his Cochin Address :

“ When everything else changes, when the British Crown is going to be replaced as far as the final control of Indian affairs is concerned by the Indian people, when that tremendous revolution is going to take place, are

these treaties the last word of human progress, even where India is concerned ? I am saying something which will sound strange, which will sound destructive, almost cataclysmic in its effect. But really and truly, talking to ourselves as it were in the innermost secrets of heart-to-heart talk, shall I ask you : Have these treaties and sanads remained unchanged since they were made ? Have they not been subjected to mysterious interpretations, to additions, to addendum and corrigenda of all sorts ? Will not the Paramount Power to-morrow, if it pleases, tear up these treaties for its own purpose—not for the benefit of the State or its subjects—but if it is necessary for the Paramount Power to set aside any of the important conditions of the treaty ? I know no force on earth, no moral law that will prevent that happening. If then treaties and their articles could be changed for any one purpose, could they not be changed in the interests of the subjects of the States ? What can be, I ask, of more commanding importance than the interests of the subjects of the States ? ”

The Maharajahs ought to know that there can be no treaties obliging the Paramount Power to maintain them for ever in the exercise of uncontrolled arbitrary rule, and if there are such treaties no sane man would think of giving effect to them in the present world.

In addition to this wild talk of treaties, they talk of their loyalty in season and out of season until they make themselves ridiculous everywhere. Loyalty to one's own country is regarded as more honourable than loyalty to a foreign Government, however benevolent ; and who does not know that loyalty is a condition of their very existence, and that no Prince can afford to be otherwise for a moment without immediately forfeiting his place and even his personal liberty. It is well known how the



gadi of His Highness the Maharajah of Baroda shook from its very foundation merely because of his inadvertent failure to bow low enough at the Delhi Durbar of 1910.

They then talk of their war services. Everybody knows that these were rendered, if at all, more in self-defence than in defence of the British people. They knew that no other Power would maintain them in their arbitrary rule and shield them from the consequences of their misrule as would British conservatism ; but after all, these services are not a marketable commodity to be exchanged for a licence to misrule their people.

They further talk of personal touch and the devotion of their people which the Western people cannot understand, and say that their people are happy and contented. If it is happiness to have a bare meal a day, they are indeed happy, and if it is contentment to desire nothing but to have a meal and work hard all their lives for their Princes, they are indeed contented. The Maharajahs ought to know that the people to whom their hired propagandists tell these stories are neither so gullible nor so foolish as their propagandists make them believe. They are intelligent enough to understand the implications of arbitrary and uncontrolled rule, and while the incidents of 'Mr. A.,' Tukoji, and many others are fresh in their minds, similar things are happening and causing embarrassment to all concerned, and not a year passes without a deposition or a so-called voluntary abdication.

While carrying on this pernicious and futile propaganda abroad, within the States they are ruthlessly suppressing the expression of public opinion. Not a day passes without hearing the news of some Maharajah or another issuing *lettres de cachet* to prohibit public meetings, summarily arresting and imprisoning public and respect-

able citizens without charge or trial and confining them indefinitely, wholesale arbitrary confiscations of property, and banishment of scores of people from their native land.

While they talk of their rights, they show not the slightest regard for the elementary rights of their subjects. While they plead for justice for themselves, they deny it to their people. They talk of being trustees of their people, and yet waste all money drawn from them in reckless extravagance without any sense of responsibility.

They believe that the British people will for ever maintain their arbitrary rule by sheer force. They ought to know, as Lord Olivier pointed out in the House of Lords, that they have abolished this long ago in their own country, and they would be the last to tolerate it anywhere, much less under their own protection.

They talk of their people's unfitness for responsible government. They ought to know that if that is so they stand self-condemned and, a fortiori, nobody believes in their own fitness, based as it is on no qualification whatever other than that of birth.

They ought to know that the days when divine rights shed an aroma over Princes' misgovernment are gone for ever, and if they have gone everywhere in the world there is no special reason why they should persist in India. The people, in spite of all attempts to keep them ignorant and illiterate, are wide awake and know full well what is happening around them from day to day. It will not take long before the tide which swept away many mighty Emperors and their dynasties, such as the Romanoffs, the Hohenzollerns, and the Bourbons, will overtake our petty Indian Maharajahs, and if they cannot immediately recognise the signs of the times, their doom is certain and no power on earth will avert it.

Let them remember the following advice which Lord Chelmsford so sincerely gave them at Bharatpur :

“ If the wheels of administration are to run smoothly, the stirring times in which we live, and particularly the events of the past few months, have emphasised the danger that attends the exercise of autocratic rule without proper regard to the interests of the people. In the vast majority of the countries of the world the realisation of this danger has led to the substitution of government by the people for the uncontrolled authority of an individual sovereign. The rulers of the Indian States in virtue of their protection by British Government enjoy an unusual degree of personal control over the welfare of their subjects, and the responsibility that lies upon them is correspondingly great.

“ In India itself the British Government has decided to grant a substantial measure of power to the people in the administration of their own affairs. Autocratic rule anywhere will in future be an exception and an anomaly.”

## CHAPTER XXIV

### INTENSITY OF PUBLIC FEELING IN THE STATES

THE authors of the Montagu-Chelmsford Report in para. 157 said :

“There is a stronger reason why the present stir in British India cannot be a matter of indifference to the Princes. Hopes and aspirations may overleap frontier lines like sparks across a street. There are in the Native States men of like minds to those who have been active in spreading new ideas in India. It is not our task to prophesy, but no one would be surprised if constitutional changes in British India quickened the pace in the Native States as well.”

During the eleven years since this prophecy was made immense changes have taken place in India, as also in many other parts of the world. Hopes and aspirations have overlept the frontiers long ago and the sparks have already kindled the fire. While a large majority of the people of the States are demanding responsible government, a section is growing which demands a complete wiping out of the Princes, just as the cry for complete severance of British connection is fast gaining ground in British India.

The people have long tolerated the arbitrary rule of the Princes and its dire consequences. Under its dead weight their soul was almost killed, but there is now a new stirring of life. Within the last ten years they

have organised themselves well, and their organisations are gathering immense strength from day to day as the numerous conferences of the people of the various States show. Within the last two years there have been conferences of All-India States' people, South Indian States' people, Southern Maharatha States' people, Central India States' people, Rajputana States' people, Kathiawad States' people, and the Punjab States' people. Although most of these conferences had to be held outside State limits on account of arbitrary denial of the right of public meeting in almost all States, thousands of delegates attended, and at the Bombay sessions of the All-India States' People's Conference no less than ninety of the Salute States and many of the non-Salute States were represented. All these conferences were presided over by eminent British Indian leaders, such as Dewan Bahadur Ramchandra Rao, an ex-member of the Indian Legislative Assembly, Mr. C. Y. Chintamani, late Minister of the United Provinces Government and Editor of the *Leader*, and Sir M. Visweshawar Ayya, late Dewan of Mysore. The resolutions passed at these conferences are identical and demand immediate introduction of full responsible government in the States and an association with British India on some form of federal basis. They resolutely oppose the division of India into two halves, and condemn the suggestion of the Butler Committee to that effect.

It is obvious that while their brethren in British India just over their borders are within reach of full responsible government, the 70 million people in the States cannot remain content under the autocratic rule of their Princes, who can tax them at will without their consent, squander the money so raised in any way they please without admitting liability to account to them and without render-

ing any adequate services in return ; where law is nothing but the will of the Princes, and where all sorts of unworthy men can act as willing instruments of the Princes' tyranny ; where most respected public citizens can be indefinitely imprisoned without charge or trial and banished from their native land, in short, where elementary rights to live as human beings can be denied.

It is impossible that the people in the Indian States can be content with elementary reforms, promising a fixed privy purse, an independent judiciary and secure public services for which there is no effective guarantee and which are only verbal promises not sincerely intended to be carried out.

The people in the States are even more impatient now than their brethren in British India, because they have suffered much more under the double despotism of their Princes and the British bureaucracy. This impatience was exhibited at the recent Youth Conference which met at Rajkot under the presidentship of Pundit Jawaharlal Nehru, president-elect of the forthcoming Indian National Congress. This Conference adopted a resolution affirming the right of the people of the States to depose bad rulers.

If the natural aspirations of the people are not satisfied and their demand is not granted without delay, a very difficult situation embarrassing to the British Government will arise.

## CHAPTER XXV

### CONCLUSION

**I**NDIA once possessed a civilisation which was one of the richest and the envy of the world. She was a land of great statesmen, philosophers, poets, scientists, legislators, artists, and traders. She was a land of chivalry and valour, the stories of which thrill the world even to-day. Her commerce extended to all parts of the world. It was India who supplied the ancient world with the finest articles of everyday life, the richness and artistic beauty of which are still remembered with admiration. She was truly the land of milk and honey. She reached the height of her material prosperity in early centuries of the Christian era. At the zenith of power and prosperity she perhaps became arrogant, over-confident, and indifferent to the dangers lurking abroad, as England perhaps now is. Superior culture and over-civilisation had perhaps made her luxurious and self-indulgent, as Britain now appears to be. Materialism warring with ancient spirituality finally triumphed and laid low her defences. This brought about widespread national apathy which was the first sign of weakness and decay in her once glorious civilisation.

When Alexander the Great invaded India in 327 B.C., his only object was plunder. These foreigners never aimed at subjugating India or at making her their own territory. Booty they got in plenty, but in those days

India was too rich to be much affected by the loss of the material wealth that was stolen from her. This did not matter much, but such invasions did bring about the weakening of her bulwarks.

When the Moghuls invaded India and finally established the Moghul Dynasty in A.D. 1525, they did not do much harm, for they settled down in India, made their home there and identified themselves with the country, and with her interests. India under the Moghuls was prosperous and contented. Politically, she did not suffer, until the reign of Aurangzeb, the last of the Moghul Emperors. His religious fanaticism brought about the dismemberment of the Moghul Empire, and general political chaos in the country, but her industries and prosperity did not suffer much because the Moghuls had made India their home and did not exploit her.

Then came the East India Company, the French and the Dutch, and that was the first distant muttering of the storm that was gradually to close over India, darkening her material, spiritual and political outlook.

These traders, taking advantage of the general chaos which then prevailed, gradually acquired territories and political power by exploiting the quarrels between different States and territories. Finally, step by step, three-quarters of India was taken over and British Rule was firmly established in 1858.

The character of British Rule has been entirely different from that of the Moghuls. The English people never "settled down" in India in the true sense of the word, and never made India their home as the Moghuls did; they could not do so on account of the unsuitable climatic conditions. They therefore always rather regarded India as a means of exploitation for the benefit of England.

The whole policy of this Government was directed to



that end, with the result that all industries were gradually destroyed and foreign manufacturers and foreign trade superseded them, finally ousting India's home industries altogether. England has to depend for her very existence on her industries, since she has no internal source of wealth except coal and iron. She must necessarily have, therefore, markets from which to purchase raw materials at the best advantage and in which to sell her finished products.

The eclipse of India's trade and industries thus brought about threw at least half of the population out of employment, who now find agriculture their one and only means of subsistence.

India may have derived benefits from British rule such as railways, irrigation canals, posts, telegraphs, roads, and a few similar things, but these were incidental to Britain's organised schemes for exploitation and not because she considered it her duty to confer these benefits upon India as a part of her responsibility for India's moral and material uplift. India believes that if she had been free, for all these one hundred and fifty years, she would have made much more rapid progress as all other free nations of the world did during that time, and with all the natural resources she has in abundance she would have been occupying the same position which America, or at least Japan, occupies amongst the nations of the world to-day, and would certainly not have been as backward and miserable as she now is.

The conditions in India when the English came there were certainly not worse in any respect than they were in Japan or Italy then, and if those countries could shake off the weakness of warring sects, castes, creeds, illiteracy, superstition, social evils, etc., there is no reason why India could not have done so.

India is now coming to the end of her tether. The poverty of the people is appalling, and their powers of resistance to disease and famine conditions are now exhausted. The educated middle classes are almost all unemployed. The masses are hungry and millions do not get a bare meal a day. The people know that on account of their present position as a subject race they can be abused by women like Miss Katherine Mayo, and held up to the ridicule and contempt of the whole world with impunity. Indians are treated with contempt and kicked in every part of the world as in their own country, while every foreigner can exploit them as freely as he likes.

If the people of India are quarrelling amongst themselves, it is due to their appalling illiteracy and to the denial to them of education and light. While in England, and every other country, education is compulsory and mostly free, Indians are denied it, though they have been clamouring for it for half a century, on the ground that there is no money, while millions of pounds are found for England's huge army, pay, and the pensions of her men.

If social conditions are bad, if there are untouchables, and if the people are over-superstitious, it is all due to the illiteracy for which the British administration is responsible.

Either these conditions existed in India when the English came or they did not exist. If they existed, a hundred years of their rule has not only failed to remove them, but has rather aggravated them. If they were not there, it is evident that the British rule brought them about. In either case, far from supplying a justification for a further continuation of that rule, these very conditions supply an unanswerable argument for its immediate withdrawal.

To add to their poverty and humiliation in the eyes of the civilised world, the people of India have realised their helplessness by rude shocks like the Amritsar massacre of 1919, imprisonments and deportations without charge or trial, the imprisonment of their saint and saviour, Mahatma Gandhi, for his patriotism and the merciless exposure of the effects of British rule or rather misrule, Ordinances restraining elementary rights, publications, inspired as we believe, of books like those of Miss Katherine Mayo, the crowning insult of the Simon Commission, and last, but not least, the virtual murder of the great Indian patriot, Lala Lajpat Rai.

All this is more than India or any other country, however weak, can stand. It is time that the British people knew and realised the acuteness of the situation. India knows that her difficulties are great. First, there is the apathy towards listening to what is no pleasant hearing, and a "hope for the best," "wait and see" attitude.

Secondly, there is the great English press, the fourth estate of the realm, and its settled determination to keep the English people ignorant of the real situation and to feed them with false stories of the contentment of the masses. Thirdly, there are writers, like Lord Sydenham and Sir Michael O'Dwyer, who always live in the nineteenth century, with their perverted imagination, saying that Eastern people cannot understand democracy and Western institutions, and that they and men of their ilk know how to govern India better than Indians themselves.

India feels that she has ample resources in raw material, rich land, plenty of air, water and sun and the best brains to organise them for prosperity, and she asks why she should submit to foreign rule whose predominant object must necessarily be exploitation. India wants to secure

her legitimate place amongst the nations of the world and wants to stand with her head erect.

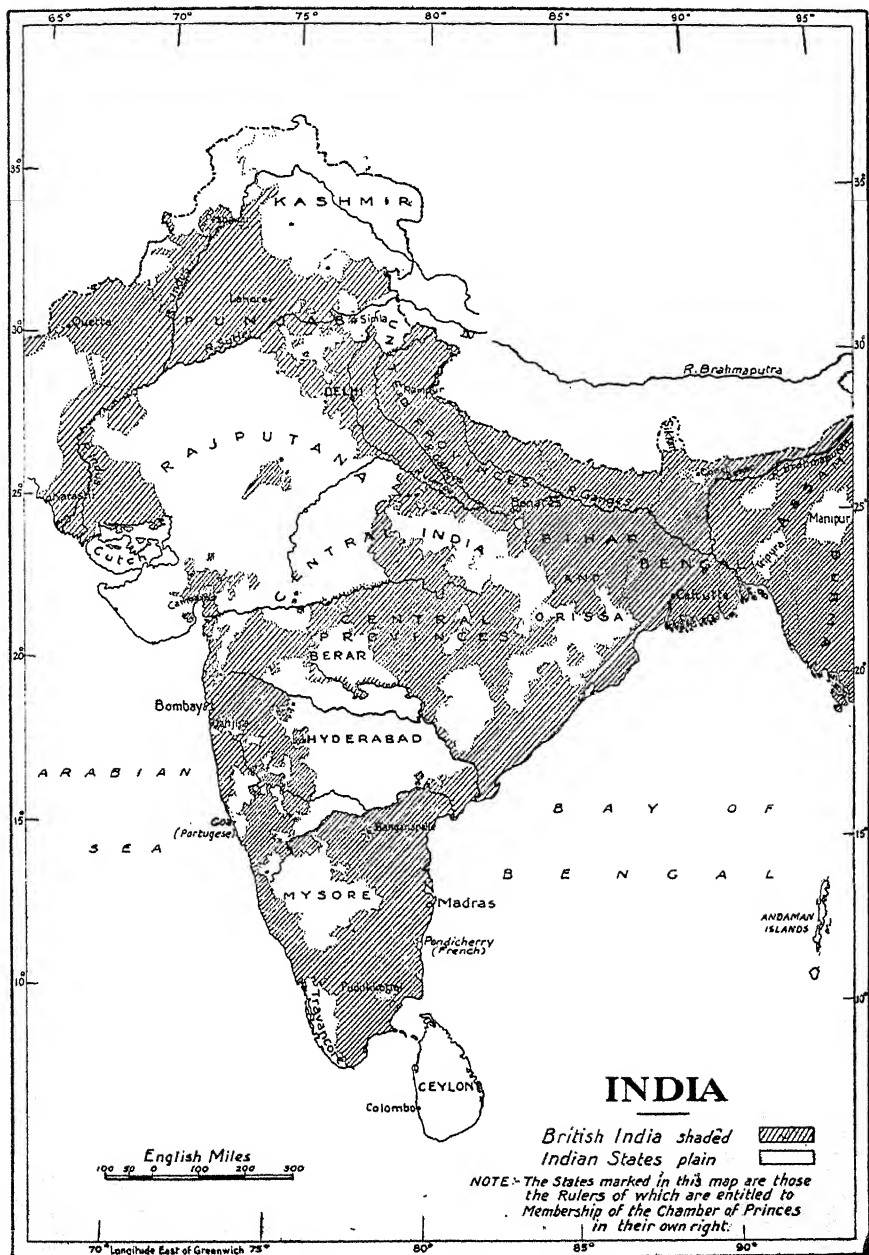
India and England are thus at the parting of ways. India's great national assembly, the Indian National Congress, has made the last gesture. India is for the moment willing to be a partner on equal terms in the great commonwealth of nations known as the British Empire. India, self-governing and free, will be a source of great strength to England. She has as much to give to England and to the world as she has to receive. India free will contribute to the lasting peace of the world.

The loss of India's friendship will mean a disaster to England, the consequences of which are difficult to contemplate.

Let us hope that the British people will realise the gravity of the situation in India, compel their men to give up the policy of divide and rule, give India her freedom and help her to acquire her legitimate place amongst the nations of the world. God help India and England !



# APPENDIX A



MAP SHOWING THE DISTRIBUTION OF INDIAN STATES

# APPENDIX B

## STATEMENT SHOWING HOW THE SALUTE STATES ARE DISTRIBUTED OVER INDIA

Name	No. of States.	Total area in sq. miles.	Population.	Revenue for last State Financial Year (Rs.)
Assam . . . . .	1	8,456	384,016	791,000
Baluchistan . . . . .	1	73,278	328,281	1,649,000
Baroda . . . . .	1	8,135,200	2,126,522	23,707,000
Bengal . . . . .	2	5,423	896,926	6,83,8000
Bihar and Orissa . . . . .	4	11,293	1,891,348	4,467,000
Bombay . . . . .	19	1,088,155	2,754,424	17,184,000
Central India . . . . .	28	49,374	5,755,884	38,636,000
Gwalior . . . . .	1	26,382	3,195,476	2,140,000
Hyderabad . . . . .	1	82,698	12,471,770	65,351,000
Jammu and Kashmir . . . . .	1	80,000	3,322,030	22,777,000
Madras States Agency . . . . .	4	10,476	5,448,586	32,013,000
Mysore . . . . .	1	29,528	5,859,952	34,637,000
Punjab States Agency . . . . .	13	41,264	3,308,040	33,117,000
Punjab . . . . .	1	3,820	86,077	334,000
Rajputana . . . . .	19	2,437,196	9,332,864	61,373,000
Sikkim . . . . .	1	2,818	81,721	433,000
United Provinces . . . . .	3	94,529	1,134,824	9,082,000
Western India States Agency . . . . .	17	335,904	2,744,076	41,499,000

The States pay a tribute of £533,743 to the Government of India. This forms part of the revenue under the Government of India Act.

The actual strength of the Indian States Forces on 1st October, 1927, was 36,058 out of an organised strength of 44,570.

STATEMENT SHOWING HOW NON-SALUTE STATES ARE DISTRIBUTED  
OVER INDIA

Non-Salute States.	No. of States.	Total area in sq. miles.	Population.	Revenue for last Financial Year. Approx.
Baluchistan . . .	1	168	50,696	384,000
Bihar and Orissa . . .	22	16,363	2,068,321	4,595,000
Bombay . . .	132	85,256	1,017,824	7,538,835
Central India . . .	62	135,014	278,254	210,300
Central Provinces . . .	15	30,701	2,046,745	4,937,000
Gwalior Residency . . .	1	68	14,619	25,000
Madras State Agency . . .	1	167	11,684	147,000
Punjab . . .	20	1,613	292,991	2,702,000
Rajputana . . .	2	359	31,424	201,000
Western India States Agency . . .	189	9,263	755,924	6,000,000



# APPENDIX C

## DIRECT TAXATION IN NAWANAGAR

### *For City People*

1. Octroi, i.e. tariff on all sorts of things imported in the city.
2. House Tax.
3. Conservancy Tax.
4. Wheel Tax.
5. War Loan Tax.
6. Grazing Tax.
7. Ghee<sup>1</sup> Production Tax.
8. Ghee Import Tax.
9. Brokerage on things imported.

### *Poll Tax on Non-Agriculturists in Villages*

1. Ubhad Vero, i.e. a tax per head on all non-agriculturist people, as follows :

1.	Bankers, grocers, drapers, and other goods traders, per head . . .	Rs.	4	0	0
2.	(a) Ordinary traders . . .		3	8	0
	(b) Artisans, i.e. carpenters, tailors, etc. . . . .		3	8	0
3.	(a) Blacksmiths . . . . .		3	0	0
	(b) Agricultural labourers . . .		3	0	0
	(c) Cotton carders, weavers, etc. .		3	0	0
4.	Other occupations not included in above classes . . . . .		2	0	0

<sup>1</sup> Ghee—clarified butter.

5.	Shepherds, etc. . . . .	Rs.	1	0	0
6.	Beggars (Brahmins, Fakirs, Sadhus)		1	0	0
7.	People owning no property and engaged in sundry forms of labour		0	8	0
2.	Ghee Tax.				
3.	Grazing Tax.				
4.	Octroi.				
5.	Cotton Tax.				
6.	Salt Dues.				
7.	Famine Fund.				

*On Agriculturist Villagers*

1. Assessment.
2. Property-Right Tax, four annas per rupee of assessment.
3. Famine Tax, one anna per rupee of assessment.
4. Famine Insurance Fund.
5. Milch Cattle Tax.
6. Cotton Tax.
7. Cattle Sale Tax.
8. Ghee Tax.
9. Grazing Tax.
10. Agricultural Produce Sale Tax.
11. Miscellaneous Assessment.
12. Girl Marriage Tax.
13. Marriage Party Tax.
14. Re-marriage Tax.
15. Fruit Trees Tax.
16. Raw Sugar Pot Tax.
17. Sugar Produce Tax.
18. Postal Tax.
19. Vegetable Produce Tax.

Be it noted that an agriculturist pays more than 60 per cent of his income in taxes, including the Land Tax.

## INDIRECT TAXATION

*Monopolies*

Over and above the monopolies of intoxicants, i.e. liquor, opium, etc., there are a number of other monopolies, of which the following deserve particular attention :

1. Monopoly of tobacco.
2. Monopoly of cotton ginning and pressing.
3. Monopoly of kerosine oil.
4. Monopoly of petrol.
5. Monopoly of matches.

NOTE.—Each of these monopolies has been granted for a fee varying from £5,000 to £10,000 per year.

## LIST OF VARIOUS TAXES LEVIED IN BIKANER

*Ordinary Taxes*

All articles except grains are taxed. Following is the list of articles with the corresponding rates of taxation :

Sugar . . . . .	Rs. 3 0 0 per maund
Gur (raw sugar) . . . . .	0 12 0 „ „
Brown sugar . . . . .	1 0 0 „ „
Rape seed oil . . . . .	1 0 0 „ „
Ghee . . . . .	2 0 0 „ „
Tobacco . . . . .	3 0 0 „ „
Rice . . . . .	0 8 0 „ „
Foreign cloth . . . . .	12 8 0
Home cloth . . . . .	4 8 0
Silk cloth . . . . .	6 4 0
Piece goods . . . . .	0 1 6
Apothecary's goods (per rupee) . . . . .	0 1 6
Per cow . . . . .	5 0 0
Per ox . . . . .	5 0 0

*Poll Tax*

Confectioners . . .	Rs. 10 per annum per head
Betal <sup>1</sup> merchants . . .	4   "   "
Goldsmiths . . .	10   "   "
Blacksmiths . . .	4   "   "
Carpenters . . .	4   "   "
Bisayatis <sup>2</sup> . . .	4   "   "
Butchers . . .	6   "   "
Dyers . . .	5   "   "
Regars <sup>3</sup> . . .	3   "   "
Potters . . .	2   "   "
Vegetable merchants . . .	4   "   "
Shoe makers . . .	5   "   "
Patwas <sup>4</sup> . . .	3   "   "
Flour mills . . .	12   "   "
Khatika <sup>5</sup> . . .	2   "   "
Tailors . . .	3   "   "

*Taxes on Agriculturists*

Land Tax, being about one-fourth of the gross produce of land collected in cash or kind.

Other taxes, such as :

Dhol Guvar	} Names under which various levies are enforced.
Hul	
Lajiya	
Pagri Banch	
Dhunva Banch	
Sari Sahela	
Chiri Cherkla	
Pani Piche	
Kila Banch	

<sup>1</sup> Green chewing leaf.

<sup>3</sup> Tanners.

<sup>2</sup> Resident labourers.

<sup>4</sup> Weavers.

<sup>5</sup> Labourers.

## EXTRAORDINARY TAXES

Besides these there are other kinds of taxes, cesses, etc. A few out of the many are enumerated below :

1. On the occasion of the marriage or demise of a member of a royal family an extra tax is levied on the public.
2. The expenses incurred by the State on the visit of some high official are divided amongst the subjects.
3. Lacs of rupees are invited as subscriptions from big Sahukars<sup>1</sup> whenever an opportunity arises.

The commonest way to get money from the wealthy people is to honour them with the gift of a golden bangle, a silver stick, or belt, or other ornament.

The following facts and figures are also interesting :

Generally assessment charged per bigha<sup>2</sup> varies from 0.2.6. to 0.4.0. Maurusi (hereditary) lands are assessed from Rs.2 to Rs.3 per biga.

Although there is fixed assessment in cash, the State can at will change it into kind, as was done in the case of the area of Nali in the years 1891 and 1901.

People must pay the Maharajah Nazarana when they buy land. In a very small part of the States (i.e. in Ram Nagara and Hanuman Garh) people have the right of sale and mortgage of agricultural lands, but they can exercise this right only with the permission of the State.

<sup>1</sup> Sahukars—rich men.

<sup>2</sup> Bigha—1½ acres.

# APPENDIX D

Name of State.	Tax per head of population.			Percentage of palace and personal expense of Prince.	Educational expense per head.			Expenses per head of Public Health, Medical Relief, and Sanitation.	Number of literate persons per hundred
	£	s.	d.		£	s.	d.	£ s. d.	
Hyderabad .	0	10	0	10	0	0	9	0 0 3	5
Baroda .	0	15	0	10	0	2	6	0 0 5	7
Mysore .	0	8	0	7	0	2	0	0 0 4	7
Travancore .	0	8	0	5.2	0	1	6	0 0 3	10
Kashmir .	0	8	0	20	0	0	6	0 0 3	2
Bikaner .	1	2	0	20	0	0	5	0 0 4	3
Indore .	0	18	0	17	0	0	7	0 0 2	3
Alwar .	0	15	0	25	0	0	3	0 0 1	2
Patiala .	0	15	0	25	0	0	3	0 0 2	2
Nawanagar .	1	10	0	45	0	0	6	0 0 3	2
Bhopal .	0	17	0	8	0	0	6	0 0 4	3
Bhavnagar .	1	0	0	10	0	1	6	0 0 4	4
Kapurthala .	0	15	0	25	0	0	7	0 0 3	3
Cutch .	1	10	0	25	0	0	2	0 0 1	1
Jaipur .	0	10	0	10	0	0	3	0 0 3	3

NOTE.—The States do not publish accurate reports. The above calculations are based upon administration reports of the States for the most part for 1926-27. Accuracy is not claimed, but the figures are as approximately correct as possible in the circumstances. In those cases in which the figures of the States are not available the percentage of literacy is based more or less upon British Indian statistics.

The conditions in other States are worse than in the above-mentioned States. But the figures will give an indication of the general conditions.

The wealth per head cannot be shown as the States never compile these statistics, but it cannot be more than that in British India, which, according to most liberal estimates, does not exceed £3 10s.

The moral and material condition of the people can be fairly judged from these figures.

After providing for palace and personal expense of the Prince, the charges for collection and ordinary expense of administration, very little remains for the moral and material advancement of the people, and for this, as long as the present system of administration continues, there is little hope of improvement.

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